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Contents

Federal Register

Vol. 73, No. 18

Monday, January 28, 2008

Agricultural Marketing Service
PROPOSED RULES
National Fluid Milk Processor Promotion Program:
Invitation to Submit Comments on Proposed Amendments to the Fluid Milk Promotion Order, 4762–4763

Agriculture Department
See Agricultural Marketing Service
See Food Safety and Inspection Service
See Forest Service
See Rural Business-Cooperative Service
See Rural Housing Service
See Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4767

Antitrust Division
NOTICES
National Cooperative Research and Production Act of 1993:
DVD Copy Control Association, 4918
Notice Pursuant to National Cooperative Research and Production Act of 1993:
Open SystemC Initiative, 4918

Army Department
NOTICES
Privacy Act; Systems of Records, 4852–4855

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4816–4817

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4868–4870
Medicare Program:
Request for Nominations for Members of the Medicare Evidence Development and Coverage Advisory, 4870–4871
Meetings:
Practicing Physicians Advisory Council, 4871–4872

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4872–4873
Awards to Eleven Office of Refugee Resettlement Shelter Care Providers, 4873

Coast Guard
RULES
Safety Zone; Molokini Crater, Maui, HI, 4695–4697

Commerce Department
See Census Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4815–4816

Defense Department
See Army Department
See Navy Department
NOTICES
Establishment of Department of Defense Federal Advisory Committees, 4851–4852

Education Department
NOTICES
Meetings:
President's Board of Advisors on Tribal Colleges and Universities, 4855–4856

Employment and Training Administration
NOTICES
Indian and Native American Employment and Training Program SGA, 4919

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
NOTICES
Nanoscale Materials Stewardship Program, 4861–4866
TSCA Interagency Testing Committee; Report Receipt and Comment Request, 5080–5084

Federal Aviation Administration
RULES
Airworthiness Directives:
Eurocopter France Model AS 355 F2 and AS 355 N Helicopters, 4683–4685
IFR Altitudes:
Miscellaneous Amendments, 4685–4690
PROPOSED RULES
Special Conditions:
Embraer S.A., Model EMB-500, Airspeed Indicating System 23.1323(e), 4763–4764
NOTICES
Fuel Flowmeter Technical Standard Order TSO-C44d; Revision, 4941–4942
Meetings:
RTCA Special Committee 207/Airport Security Access Control System, 4943
RTCA Special Committee 210, Cabin Systems and Equipment, 4942–4943

Federal Communications Commission
NOTICES
Comment Sought on Petition for Declaratory Ruling that Text Messages and Short Codes, 4866–4867

Federal Emergency Management Agency
RULES
Suspension of Community Eligibility, 4697–4699
NOTICES
Adjustment of Statewide Per Capita Threshold for Recommending a Cost Share Adjustment, 4887

National Response Framework, 4887–4888

Federal Energy Regulatory Commission
NOTICES
Dominion Transmission, Inc.; Intent to Prepare Environmental Assessment for Storage Factory Project: Request for Comments on Environmental Issues; Notice of Public Scoping Meetings and Site Visit, 4856–4858
Intent to Prepare Environmental Assessment; Arkoma Connector Pipeline Project; Comment Request, 4858–4860
Issuance of Order:
SYNERGY Power Marketing Inc., 4860
Notice of Amendment:
East Tennessee Natural Gas, LLC, 4860

Federal Railroad Administration
NOTICES
Grant of Application for a Temporary Exemption:
Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 4943–4944

Federal Reserve System
NOTICES
Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies, 4867–4868
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 4868

Federal Transit Administration
NOTICES
Apportionments, Allocations, and Program Information, Fiscal Year 2008, 4956–5077

Fish and Wildlife Service
RULES
Endangered and Threatened Wildlife and Plants:
Central Idaho and Yellowstone Area Nonessential Experiment Populations of Gray Wolves in the Northern Rocky Mountains; Special Regulation Revision, 4720–4736
NOTICES
Meetings:
Wind Turbine Guidelines Advisory Committee, 4911

Food and Drug Administration
PROPOSED RULES
Food Labeling:
Revision of Reference Values and Mandatory Nutrients, 4765
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4873–4877

Food Safety and Inspection Service
NOTICES
Salmonella Verification Sampling Program, 4767–4774

Forest Service
NOTICES
Environmental Impact Statement:
Resurrection Creek Restoration Phase II Project, 4774–4776
Superior National Forest, MN; Border Project, 4776–4777

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Meetings:
National Advisory Council on the National Health Service Corps; Correction, 4877
Statement of Organization, Functions and Delegations of Authority, 4877

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4886–4887

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4888–4891
Funding Awards:
Resident Opportunity and Self-Sufficiency and Neighborhood Networks Programs—
Fiscal Year 2004, 4902–4908
Fiscal Year 2005, 4891–4902
Housing Opportunities for Persons with AIDS Program FY 2007; Announcement of Funding Awards, 4908–4909
Youthbuild Program FY 2006; Announcement of Funding Awards, 4909–4911

Interior Department
See Fish and Wildlife Service
See Minerals Management Service
See National Park Service

Internal Revenue Service
RULES
Calculating and Apportioning the Section 11(b)(1) Additional Tax Under Section 1561 for Controlled Groups; Correction, 4695
PROPOSED RULES
Employment Tax Adjustments; Correction, 4765–4766

International Trade Administration
NOTICES
Antidumping Duty:
Preserved Mushrooms from the People's Republic of China, 4822–4827
Antidumping Duty; New-Shipper Review:
Stainless Steel Wire Rods From India, 4828–4829
Antidumping Duty Investigations:
Uncovered Innerspring Units from the People's Republic of China, South Africa, and the Socialist Republic of Vietnam, 4817–4822
Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part, 4829–4831
Suspension of Antidumping Investigation:
Fresh Tomatoes From Mexico, 4831–4840

Justice Department
See Antitrust Division

Labor Department
See Employment and Training Administration

See Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4918–4919

Legal Services Corporation
NOTICES
Notice and Request for Comments:
LSC Elimination of Hawai'i Migrant Service Area, 4922

Minerals Management Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4911–4914

National Highway Traffic Safety Administration
NOTICES
Grant of Application for a Temporary Exemption:
Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 4944–4950

National Institutes of Health
NOTICES
Meetings:
Center For Scientific Review, 4877–4879
National Cancer Institute, 4879–4881
National Center for Research Resources, 4881
National Heart, Lung, and Blood Institute, 4881
National Institute of Allergy and Infectious Diseases, 4882–4883
National Institute of Child Health and Human Development, 4883–4884
National Institute of Dental and Craniofacial Research, 4882–4883
National Institute of Diabetes and Digestive and Kidney Diseases, 4881–4882, 4885
National Institute of Environmental Health Sciences, 4885
National Institute of Mental Health, 4884–4885
National Institute of Neurological Disorders and Stroke, 4881
National Institute on Aging, 4884

National Oceanic and Atmospheric Administration
RULES
Fisheries off West Coast States:
Pacific Coast Groundfish Fishery—
Vessel Monitoring System; Open Access Fishery; Correction, 4759–4760
Fisheries of the Economic Exclusive Zone Off Alaska:
Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska, 4760
Fisheries of the Exclusive Economic Zone Off Alaska:
Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Island, 4760–4761
Magnuson-Stevens Fishery Conservation and Management Act Provisions:
Fisheries of the Northeastern United States—
Northeast Region Standardized Bycatch Reporting Methodology Omnibus Amendment, 4736–4758
Northeast Multispecies Fishery; Prohibition on the Possession of Yellowtail Flounder in the U.S./Canada Management Area, 4758–4759
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4840
Incidental Takes of Marine Mammals During Specified Activities:
San Nicolas Island, Ventura County, CA, 4841–4846
Marine Mammals; Issuance of Permit, 4846–4847
Meetings:
New England Fishery Management Council, 4847–4848

National Park Service
NOTICES
Environmental Statements; Availability, etc.:
San Juan Island National Historical Park, WA; General Management Plan, 4914–4915
Meetings:
Alaska Region Subsistence Resource Commissions, 4915–4916
Flight 93 National Memorial Advisory Commission, 4916
Golden Gate National Recreation Area, CA; Public Open Houses, 4917
National Capital Memorial Advisory Commission, 4917–4918

National Science Foundation
NOTICES
Applicant Survey; Comment Request, 4922–4923

Navy Department
NOTICES
Meetings:
U.S. Naval Academy Board of Visitors, 4855

Nuclear Regulatory Commission
NOTICES
Meetings:
Advisory Committee on Nuclear Waste and Materials, 4923
Tennessee Valley Authority; Combined License Application Docketing Acceptance Bellefonte Unites 3 and 4, 4923–4924
Washington State University (Washington State University TRIGA Reactor); Order Modifying Amended Facility Operating License No. R-76, 4924–4926
Westinghouse Electric Co.; Design Certification Docketing Acceptance; AP 1000 Design Rule Amendment Request, 4926

Occupational Safety and Health Administration
NOTICES
Intertek Testing Services NA, Inc.; Application Expansion of Recognition:
Voluntary Termination of Entela, Inc., Recognition, 4919–4922

Overseas Private Investment Corporation
NOTICES
Meetings; Sunshine Act, 4926

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4848–4850
Privacy Act of 1974; System of Records, 4850–4851

Pipeline and Hazardous Materials Safety Administration
RULES
Hazardous Materials; Miscellaneous Amendments, 4699–4720

Postal Service
NOTICES
Meetings; Sunshine Act, 4926

Rural Business-Cooperative Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4777–4778

Rural Housing Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4777–4778

Rural Utilities Service
NOTICES
Funding Availability, 4778–4790
Funding Availability and Solicitation of Applications, 4790–4798
Grant and Loan Application Deadlines and Funding Levels, 4798–4802
Grant Application Deadlines and Funding Levels, 4802–4809
Household Water Well System Grant Program; Application Deadlines and Funding, 4809–4815

Saint Lawrence Seaway Development Corporation
NOTICES
Meetings:
Saint Lawrence Seaway Development Corp. Advisory Board, 4950

Securities and Exchange Commission
RULES
Form MSD etc.; Technical Amendments, 4690–4694
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Incorporated, 4927–4929
New York Stock Exchange LLC, 4929–4931
NYSE Arca, Inc., 4931
Suspension of Trading Order, 4931

Sentencing Commission, United States
See United States Sentencing Commission

Small Business Administration
NOTICES
Small Business Size Standards:
Nonmanufacturer Rule Waiver, 4940–4941
Waiver of the Nonmanufacturer Rule, 4941

State Department
NOTICES
Meetings:
Historical Diplomatic Advisory Committee, 4941

Thrift Supervision Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4950–4954

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
See Saint Lawrence Seaway Development Corporation

Treasury Department
See Internal Revenue Service
See Thrift Supervision Office

United States Sentencing Commission
NOTICES
Sentencing Guidelines for United States Courts, 4931–4940

Separate Parts In This Issue

Part II
Transportation Department, Federal Transit Administration, 4956–5077

Part III
Environmental Protection Agency, 5080–5084

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

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR

Proposed Rules:

1160 4762

14 CFR

39 4683

95 4685

Proposed Rules:

23 4763

17 CFR

240 4690

249 4690

275 4690

279 4690

21 CFR

Proposed Rules:

101 4765

26 CFR

1 4695

Proposed Rules:

31 4765

33 CFR

165 4695

44 CFR

64 4697

49 CFR

171 4699

172 4699

173 4699

175 4699

177 4699

178 4699

180 4699

50 CFR

17 4720

648 (2 documents) 4736, 4758

660 4759

679 (2 documents) 4760

Rules and Regulations

Federal Register

Vol. 73, No. 18

Monday, January 28, 2008

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0043; Directorate Identifier 2007–SW–31–AD; Amendment 39–15340; AD 2008–02–10]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS 355 F2 and AS 355 N Helicopters

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 Eurocopter France Model AS 355 F2 and AS 355 N helicopters. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority to identify and correct an unsafe condition on an aviation product. The European Aviation Safety Agency, the Technical Agent for France, with which we have a bilateral agreement, states in the MCAI:

> This emergency Airworthiness Directive (AD) is issued following a report of yaw control restricted travel in operation following the replacement of the load compensator. If not corrected, this condition could lead to the loss of control of the helicopter.

This AD requires actions that are intended to address this unsafe condition.

DATES: This AD becomes effective February 12, 2008.

The Director of the Federal Register approved the incorporation by reference of Eurocopter Emergency Alert Service Bulletin No. 67.00.29, Revision 1, dated April 27, 2007, as of February 12, 2008.

We must receive comments on this AD by March 28, 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 W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, 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 economic 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: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0131–E, dated May 11, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for these French-certificated helicopters. The MCAI states:

> This emergency Airworthiness Directive (AD) is issued following a report of yaw control restricted travel in operation following the replacement of the load compensator. If not corrected, this condition could lead to the loss of control of the helicopter. Investigation revealed that the load compensator lever was incorrectly referenced in the Illustrated Parts Catalog (IPC). Levers on helicopters Post-MOD 072065 (replacement of the load compensator hydraulic actuator) should be Part Number (P/N) 355A27–0082–00 and levers on helicopters Pre-MOD 072065 should be P/N 355A27–0072–00. This AD mandates inspection to identify the load compensator lever and the hydraulic actuator assembly installed on helicopters, to verify their compatibility and replacement of improper P/Ns when an incompatibility is found.

The installation of an incompatible load compensator lever in a Pre-Mod 072065 helicopter may cause control travel restrictions while the installation of an incompatible load compensator lever in a Post-Mod 072065 helicopter may cause increased control loads in the yaw control pedals. You may obtain further information by examining the MCAI and service information in the AD docket.

Relevant Service Information

Eurocopter has issued Emergency Alert Service Bulletin (ASB) No. 67.00.29, Revision 1, dated April 27, 2007. The actions described in the MCAI are intended to correct the same unsafe condition as that identified in the service information.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of France, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, we have been notified of the unsafe condition described in the MCAI

and service information. 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. However, the requirements of this AD must be accomplished within 10 hours TIS after the effective date of this AD. The MCAI requires accomplishment before next flight. Additionally, this AD requires that components with bore diameters outside the tolerances specified in the ASB be replaced with airworthy components with bore diameters within the specified tolerances instead of contacting the manufacturer for a ''suitable repair solution.''

These differences are highlighted in the ''Differences Between the FAA AD and the MCAI'' section in 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 installation of an incompatible load compensator lever may result in restricted yaw control travel or increased control loads in the yaw control pedals and the incompatibility must be corrected within 10 hours TIS. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0043; Directorate Identifier 2007–SW–31–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.

Costs of Compliance

We estimate that this AD will affect about 36 products of U.S. registry. We also estimate that it will take about .25 work-hour to inspect the helicopter and 10 work-hours to replace a load compensator lever, if needed. The average labor rate is $80 per work-hour. Required parts will cost about $1,161 for a load compensator lever, P/N 355A27–0072–00, or $862 for a load compensator lever, P/N 355A27–0082–00. Based on these figures, we estimate the cost of this AD on U.S. operators to be $720 to inspect, or $20 per product, assuming no load compensation levers are replaced.

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 an economic 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:

2008–02–10 Eurocopter France: Amendment 39–15340. Docket No. FAA–2008–0043; Directorate Identifier 2007–SW–31–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective February 12, 2008.

Other Affected ADs

(b) None.

Applicability

(c) This AD applies to Eurocopter Model AS 355 F2 and AS 355 N helicopters, all serial numbers, certificated in any category.

Reason

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

This emergency Airworthiness Directive (AD) is issued following a report of yaw control restricted travel in operation following the replacement of the load compensator. If not corrected, this condition could lead to the loss of control of the helicopter.

Investigation revealed that the load compensator lever was incorrectly referenced in the Illustrated Parts Catalog (IPC). Levers on helicopters Post-MOD 072065 (replacement of the load compensator hydraulic actuator) should be Part Number (P/N) 355A27–0082–00 and levers on helicopters Pre-MOD 072065 should be P/N 355A27–0072–00. This AD mandates inspection to identify the load compensator lever and the hydraulic actuator assembly installed on helicopters, to verify their compatibility and replacement of improper P/Ns when an incompatibility is found.

Actions and Compliance

(e) Unless already done, do the following:

(1) Within the next 10 hours time-in-service (TIS), determine the part number (P/N) and the compatibility of the load compensator lever (compensator level) and the hydraulic actuator assembly (hydraulic actuator) in accordance with the Accomplishment Instructions, paragraphs 2.B.1. through 2.B.2.c. of Eurocopter AS 355 Emergency Alert Service Bulletin No. 67.00.29, Revision 1, April 27, 2007 (ASB).

Note: Instead of inspecting the rotorcraft, a review of the helicopter maintenance records along with any other applicable data (rotorcraft logbook, components list, etc.) is acceptable if each P/N can be positively determined from that review.

(2) For helicopters, Pre-Mod 072065, with an incompatible hydraulic actuator, P/N 355A75–1370–01 or P/N 355A75–1370–03, and compensator lever, P/N 355A27–0082–00:

(i) If the helicopter has NOT been operated with compensator lever, P/N 355A27–0082–00, installed, replace the compensator lever before further flight with an airworthy compensator lever, P/N 355A27–0072–00.

(ii) If the helicopter has been operated with compensator lever, P/N 355A27–0082–00, installed, within the next 10 hours time-in-service (TIS):

(A) Remove the load compensator assembly and the compensator lever, measure the diameters of the bores, inspect the swivel bearings, replace the specified hydraulic actuator components and the incompatible compensator lever and install the load compensator assembly in accordance with the applicable steps in the Accomplishment Instructions, paragraph 2.B.3.b. of the ASB.

(B) If the diameter of a bore is greater than the tolerances specified in the applicable steps in the Accomplishment Instructions, paragraph 2.B.3.b., of the ASB, replace each part that contains an out-of-tolerance bore diameter with an airworthy part that contains a bore diameter that is within the specified tolerances.

(3) For helicopters, Post-MOD 072065, with an incompatible hydraulic actuator, P/N 355A75–1370–02 or P/N 355A75–1370–04, and compensator lever, P/N 355A27–0072–00:

(i) If the helicopter has NOT been operated with compensator lever, P/N 355A27–0072–00, installed, replace the compensator lever before further flight with an airworthy compensator lever, P/N 355A27–0082–00.

(ii) If the helicopter has been operated with compensator lever, P/N 355A27–0072–00, installed, within the next 10 hours TIS, replace the compensator lever with an airworthy compensator lever, P/N 355A27–0082–00, and inspect the bolts in accordance with the applicable steps in the Accomplishment Instructions, paragraph 2.B.3.b.of the ASB.

(f) No person shall install a:

(1) Load compensator lever, P/N 355A27–0082–00, on any Model AS 355 N or AS 355 F2 helicopter Pre-MOD 072065, with hydraulic actuator assembly, P/N 355A75–1370–01 or P/N 355A75–1370–03; or a

(2) Load compensator lever, P/N 355A27–0072–00, on any Model AS 355 N or AS 355 F2 helicopter Post-MOD 072065, with hydraulic actuator assembly, P/N 355A75–1370–02 or P/N 355A75–1370–04.

Differences Between the FAA AD and the MCAI

(g) The requirements of this AD must be accomplished within 10 hours TIS after the effective date of this AD. The MCAI requires accomplishment before next flight. Additionally, this AD requires that components with bore diameters outside the tolerances specified in the ASB be replaced with airworthy components with bore diameters within the specified tolerances instead of contacting the manufacturer for a ''suitable repair solution.''

Subject

(h) Air Transport Association of America (ATA) Code 6730, Rotorcraft Servo System.

Other Information

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Safety Management Group, 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: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

(2) *Airworthy Product:* Use only FAA-approved corrective actions. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent) if the State of Design has an appropriate bilateral agreement with the United States. 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

(j) MCAI European Aviation Safety Agency (EASA) Emergency Airworthiness Directive No. 2007–0131–E, dated May 11, 2007, contains related information.

Material Incorporated by Reference

(k) The Director of the Federal Register approved the incorporation by reference of Eurocopter Emergency Alert Service Bulletin No. 67.00.29, Revision 1, dated April 27, 2007, under 5 U.S.C. 552(a) and 1 CFR part 51.

(l) For the Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527.

(m) You may review copies of Eurocopter Emergency Alert Service Bulletin No. 67.00.29, Revision 1, dated April 27, 2007, at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 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 Fort Worth, Texas, on December 28, 2007.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E8–1019 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30590; Amdt. No. 472]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, February 14, 2008.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (*Mail Address:* P.O. Box 25082, Oklahoma City, OK 73125) *telephone:* (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes,

ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95 Airspace, Navigation (air).

Issued in Washington, DC on January 18, 2008.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, February 14, 2008.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 472 Effective Date, February 14, 2008]

From	To	MEA
Color Routes		
§ 95.48 Green Federal Airway G8 Is Amended to Read in Part		
Nosky, AK FIX	Kachemak, AK NDB	6100
§ 95.2 Red Federal Airway R99 Is Amended to Read in Part		
St Paul Island, AK #HF Comms Required Below 8000 MSL	Dutch Harbor, AK NDB/DME	#4800
Saldo, AK NDB *4400–MOCA	Iliamna, AK NDB/DME	*5000
Iliamna, AK NDB/DME	Kachemak, AK NDB	6100

From	To	MEA	MAA
§ 95.3234 RNAV Route T234 Is Amended to Read in Part			
*Fairbanks, AK VORTAC *4300–MCA FAIRBANKS, AK VORTAC, W BND	Tollo, AK FIX	5000	17500

From	To	MEA
§ 95.6001 Victor Routes—U.S.		
§ 95.6016 VOR Federal Airway V16 Is Amended to Read in Part		
Patuxent, MD VORTAC *8000–MRA **1500–MOCA **4000–GNSS MEA	*Gared, MD FIX	**4500
Gared, MD FIX *1500–MOCA *4000–GNSS MEA	Chops, MD FIX	*4500
§ 95.6026 VOR Federal Airway V26 Is Amended to Read in Part		
Montrose, CO VOR/DME	Grand Junction, CO VORTAC	11000
Huron, SD VORTAC	Obitt, SD FIX	5000
Obitt, SD FIX	Redwood Falls, MN VOR/DME	5000
§ 95.6036 VOR Federal Airway V36 Is Amended to Read in Part		
Hawly, PA FIX	Hopce, NJ FIX	*15500

From	To	MEA
*3600–MOCA *4000–GNSS MEA		
Hopce, NJ FIX	Neion, NJ FIX	*13500
*3600–MOCA *4000–GNSS MEA		
§ 95.6063 VOR Federal Airway V63 Is Amended to Read in Part		
Wausau, WI VORTAC	Rhinelander, WI VORTAC	*4000
*3500–MOCA		
§ 95.6074 VOR Federal Airway V74 Is Amended to Read in Part		
Fort Smith, AR VORTAC	Charr, AR FIX	2500
Charr, AR FIX	Magga, AR FIX	4000
Magga, AR FIX	Danil, AR FIX	*4500
*4000–MOCA		
Danil, AR FIX	Ollas, AR FIX	*4500
*2600–MOCA		
Ollas, AR FIX	Maume, AR FIX	*4500
*2700–MOCA		
Maume, AR FIX	Little Rock, AR VORTAC	3500
§ 95.6139 VOR Federal Airway V139 Is Amended to Read in Part		
Sea Isle, NJ VORTAC	Avalo, NJ FIX	*4500
*4000–GNSS MEA		
Avalo, NJ FIX	Harbo, NJ FIX	*6000
*4000–GNSS MEA		
Harbo, NJ FIX	Drift, NJ FIX	*7500
*3000–GNSS MEA		
Drift, NJ FIX	Manta, NJ FIX	*12000
*3000–GNSS MEA		
Manta, NJ FIX	Plume, NJ FIX	*7000
*2000–MOCA *3000–GNSS MEA		
§ 95.6157 VOR Federal Airway V157 Is Amended to Read in Part		
Patuxent, MD VORTAC	*Gared, MD FIX	**4500
*8000–MRA **1500–MOCA **4000–GNSS MEA		
Gared, MD FIX	Chops, MD FIX	*4500
*1500–MOCA *4000–GNSS MEA		
§ 95.6213 VOR Federal Airway V213 Is Amended to Read in Part		
Patuxent, MD VORTAC	*Gared, MD FIX	**4500
*8000–MRA **1500–MOCA **4000–GNSS MEA		
Gared, MD FIX	Chops, MD FIX	*4500
*1500–MOCA *4000–GNSS MEA		
§ 95.6229 VOR Federal Airway V229 Is Amended to Read in Part		
Patuxent, MD VORTAC	*Gared, MD FIX	**4500
*8000–MRA **1500–MOCA **4000–GNSS MEA		
Gared, MD FIX	Donil, DE FIX	*8000
*1600–MOCA *4000–GNSS MEA		
§ 95.6268 VOR Federal Airway V268 Is Amended to Read in Part		
Avalo, NJ FIX	Harbo, NJ FIX	*6000
*4000–GNSS MEA		
Harbo, NJ FIX	Drift, NJ FIX	*7500
*3000–GNSS MEA		
Drift, NJ FIX	Manta, NJ FIX	*12000

From	To	MEA
*3000–GNSS MEA		
Manta, NJ FIX	Plume, NJ FIX	*7000
*2000–MOCA		
*3000–GNSS MEA		
§ 95.6276 VOR Federal Airway V276 Is Amended to Read in Part		
*Gamby, NJ FIX	Manta, NJ FIX	**6000
*6000–MRA		
**2000–MOCA		
**2000–GNSS MEA		
§ 95.6308 VOR Federal Airway V308 Is Amended to Read in Part		
Sea Isle, NJ VORTAC	Avalo, NJ FIX	*4500
*4000–GNSS MEA		
Avalo, NJ FIX	Harbo, NJ FIX	*6000
*4000–GNSS MEA		
Harbo, NJ FIX	Drift, NJ FIX	*7500
*3000–GNSS MEA		
Drift, NJ FIX	Manta, NJ FIX	*12000
*3000–GNSS MEA		
Manta, NJ FIX	Plume, NJ FIX	*7000
*2000–MOCA		
*3000–GNSS MEA		
§ 95.6363 VOR Federal Airway V363 Is Amended to Read in Part		
Mission Bay, CA VORTAC	Hursi, CA FIX	3000
Hursi, CA FIX	Oorah, CA FIX	*4000
*2600–MOCA		
Oorah, CA FIX	Ofree, CA FIX	*4000
*2300–MOCA		
Ofree, CA FIX	El Toro, CA VOR/DME	4000
El Toro, CA VOR/DME	Pomona, CA VORTAC	4000
§ 95.6333 Alaska VOR Federal Airway V333 Is Amended to Read in Part		
Nome, AK VOR/DME	Gaits, AK FIX.	
	N BND	10000
	S BND	4000
§ 95.6388 Alaska VOR Federal Airway V388 Is Amended to Read in Part		
Kenai, AK VOR/DME	Napto, AK FIX	.....
Napto, AK FIX	Anchorage, AK VOR/DME	2400
§ 95.6438 Alaska VOR Federal Airway V438 Is Amended to Read in Part		
Napto, AK FIX	Anchorage, AK VOR/DME	2400
§ 95.6445 Alaska VOR Federal Airway V445 Is Amended to Read in Part		
*Fairbanks, AK VORTAC	Wilts, AK FIX	5000
*4000–MCA Fairbanks, AK VORTAC, W BND		
Wilts, AK FIX	Tollo, AK FIX	*5000
*4200–MOCA		
Kanut, AK FIX	Bettles, AK VOR/DME.	
	NW BND	3500
	SE BND	7000
§ 95.6477 Alaska VOR Federal Airway V477 Is Amended to Read in Part		
Selawik, AK VOR/DME	Desoy, AK FIX.	
*2500–MOCA		
	W BND	*2500
	E BND	*4000
Desoy, AK FIX	Atago, AK FIX	*4000
*3900–MOCA		
Atago, AK FIX	Huslia, AK VOR/DME.	
*2500–MOCA		
	W BND	*4000
	E BND	*3500

From	To	MEA
§ 95.6488 Alaska VOR Federal Airway V488 Is Amended to Read in Part		
*Reeba, AK FIX	Golly, AK FIX	**7000
*7000–MRA		
**5000–MOCA		
Golly, AK FIX	*Fairbanks, AK VORTAC	4500
*3700–MCA FAIRBANKS, AK VORTAC, W BND		
§ 95.6504 Alaska VOR Federal Airway V504 Is Amended to Read in Part		
Nenana, AK VORTAC	Kanut, AK FIX	7000
§ 95.6506 Alaska VOR Federal Airway V506 Is Amended to Read in Part		
*Kodiak, AK VOR/DME	Baily, AK FIX.	
	W BND	**12000
	E BND	**7000
**4900–MOCA		
*3600–MCA Kodiak, AK VOR/DME, W BND		
Baily, AK FIX	Bremi, AK FIX	#*12000
*9700–MOCA		
*10000–GNSS MEA		
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE		
Bremi, AK FIX	*King Salmon, AK VORTAC.	
	E BND	**12000
	W BND	**5000
*2400–MCA KING SALMON, AK VORTAC, E BND		
**4600–MOCA		
§ 95.6531 Alaska VOR Federal Airway V531 Is Amended to Read in Part		
Berjo, AK FIX	Kotzebue, AK VOR/DME.	
	NW BND	*2500
	SE BND	*8000
*2500–MOCA		
Selawik, AK VOR/DME	Desoy, AK FIX.	
	W BND	*2500
	E BND	*4000
*2500–MOCA		
Desoy, AK FIX	Atago, AK FIX	*4000
*3900–MOCA		
Atago, AK FIX	Huslia, AK VOR/DME.	
	W BND	*4000
	E BND	*3500
*2500–MOCA		
Huslia, AK VOR/DME	Cense, AK DME AK.	
	W BND	*3500
	E BND	*6500
*3000–MOCA		
Cense, AK DME AK	Elcon, AK FIX	*6500
*5700–MOCA		
Elcon, AK FIX	Tanana, AK VOR/DME.	
	W BND	*6500
	E BND	*5400
*5400–MOCA		
Tanana, AK VOR/DME	*Reeba, AK FIX.	
	E BND	**7000
	W BND	**4000
*7000–MRA		
**4000–MOCA		
Reeba, AK FIX	Golly, AK FIX	*7000
*5000–MOCA		
Golly, AK FIX	*Fairbanks, AK VORTAC	4500
*3700–MCA FAIRBANKS, AK VORTAC, W BND		
§ 95.8003 VOR Federal Airway Changeover Points		

Airway segment		Changeover points	
From	To	Distance	From
Alaska V506 Is Amended to Modify Changeover Point			
Kodiak, AK VOR/DME	King Salmon, VORTAC	55	Kodiak
Alaska V531 Is Amended to Modify Changeover Point			
Point Hope, AK NDB	Kotzebue, AK VOR/DME	15	Point Hope, AK NDB

[FR Doc. E8–1368 Filed 1–25–08; 8:45 am]
BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240, 249, 275, and 279

[Release Nos. 34–57166, IA–2695]

Technical Amendments to Forms MSD, MSDW, BD–N, BD, BDW, ADV, and ADV–W and to Exchange Act Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca1–1, 15Ca2–1, 15Cc1–1, and 17a–3, and Advisers Act Rules 203–1, 203–3, and 204–1

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Securities and Exchange Commission (''Commission'' or ''SEC'') is adopting technical amendments to Form MSD and Form MSDW (the application for registration as a municipal securities dealer and the notice of withdrawal from registration as a municipal securities dealer, respectively) primarily to add the Office of Thrift Supervision to the list of agencies with which Forms MSD and MSDW must be filed. The Commission is also adopting a technical amendment to Form BD–N (the notice of registration as a broker-dealer for the purposes of trading security futures products pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934 (''Exchange Act'')) to update the address of the National Futures Association. In addition, to reflect the formation of the Financial Industry Regulatory Authority, Inc. (''FINRA''), the Commission is adopting technical amendments to Forms BD and BDW (the uniform broker-dealer registration form and the uniform request for withdrawal from broker-dealer registration, respectively), related Exchange Act Rules, Forms ADV and ADV–W (the investment adviser registration form and the request for withdrawal from investment adviser registration, respectively), and related rules under the Investment Advisers Act of 1940 (''Advisers Act'').

DATES: *Effective Date:* January 28, 2008.

FOR FURTHER INFORMATION CONTACT: With respect to the amendments to Forms MSD, MSDW, BD–N, BD and BDW and rules adopted under the Exchange Act, Paula Jenson, Deputy Chief Counsel, Haimera Workie, Branch Chief, or Max Welsh, Attorney, at (202) 551–5550, Office of the Chief Counsel, Division of Trading and Markets, and, with respect to the amendments to Forms ADV and ADV–W and rules adopted under the Advisers Act, David W. Blass, Assistant Director, or Vivien Liu, Senior Counsel, at (202) 551–6787, Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

I. Supplementary Information

A. Forms MSD and MSDW

Form MSD is the application used by municipal securities dealers that are either banks or separately identifiable departments or divisions of banks, to register with the Commission. These entities use Form MSDW to provide notice of withdrawal from registration.[1] Bank municipal securities dealers use these forms both with the Commission and with their ''appropriate regulatory agency,'' as defined in Exchange Act Section 3(a)(34).[2]

The Financial Services Regulatory Relief Act of 2006 (''Regulatory Relief Act'')[3] amended the definition of ''appropriate regulatory agency'' for a municipal securities dealer to include the Office of Thrift Supervision for entities that are federal savings associations, or departments or divisions of federal savings associations. The Commission is adopting technical amendments to Item K of the General Instructions of Form MSD and Item 2 of the General Instructions of Form MSDW to update the current list of agencies with which Forms MSD and MSDW must be filed to include the Office of Thrift Supervision and to update the addresses of the agencies listed on the forms.

B. Form BD–N

Form BD–N is used to provide notice of registration as a broker-dealer for purposes of trading security futures products pursuant to Section 15(b)(11) of the Exchange Act. The Form is filed with the National Futures Association (''NFA''), as the Commission's designated agent.[4] During December 2007, the NFA moved from its prior address to 300 South Riverside Plaza, Suite 1800, Chicago, Illinois 60606. The

[1] The Commission adopted forms MSD and MSDW in October 1975 and July 1976, respectively, pursuant to Section 15B of the Exchange Act. Section 15B of the Exchange Act provides that municipal securities dealers can register and withdraw from registration under procedures developed by the Commission. *See* Exchange Act Release Nos. 11742 (Oct. 15, 1975) and 12602 (Jul. 7, 1976).

Exchange Act Rule 15Ba2–1 requires an application for registration of a municipal securities dealer that is filed pursuant to Section 15B of the Exchange Act to be filed on Form MSD in accordance with the instructions on the form. Exchange Act Rule 15Bc3–1 requires a notice of withdrawal from registration as a municipal securities dealer to be filed pursuant to Section 15B of the Exchange Act be filed on Form MSDW in accordance with the instructions on the form.

[2] For example, Instruction K of Form MSD currently provides:

''Form MSD must be filed in triplicate with the Securities and Exchange Commission, Washington, DC 20549. The execution page of each copy shall contain an original manual signature. In addition, an original signed copy of the Form must be filed with the applicant's appropriate regulatory agency, determined in accordance with Section 3(a)(34) of the Act. Applicants which are national banks, or department or divisions of such banks, must file Form MSD with the Comptroller of the Currency, Washington, DC 20219; applicants which are state member banks of the Federal Reserve System, or departments or divisions of such banks, must file Form MSD with the Federal Reserve Board, Washington, DC 20551; applicants which are banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), or departments or divisions of such banks, must file Form MSD with the Federal Deposit Insurance Corporation, Washington, DC 20429.''

See also Instruction 2 of Form MSDW.

[3] Public Law No. 109–351, 120 Stat. 1966 (2006).

[4] *See* Instruction 4 of Form BD–N.

Commission is adopting a technical amendment to Instruction 4 of Form BD–N to reflect the new address of the NFA.

C. Forms BD and BDW

Broker-dealers use Forms BD and BDW to register with the Commission and to withdraw from registration, respectively.[5] The Commission is adopting technical amendments to reflect the formation of FINRA as a result of the consolidation of the National Association of Securities Dealers, Inc. (''NASD'') with NYSE Regulation, Inc., a wholly-owned subsidiary of New York Stock Exchange LLC.[6] Specifically, the Commission is amending Forms BD and BDW to replace references to NASD with references to FINRA. The Commission is also amending Item 5 of the General Instructions to Form BD and the Federal Information Law and Requirements section of Form BDW to add Section 15B of the Exchange Act to the list of statutory references authorizing the Commission to collect information on the forms to correctly reflect the Commission's authority.

D. Exchange Act Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca1–1, 15Ca2–1, 15Cc1–1, and 17a–3

The Commission is adopting technical amendments to replace references to NASD with references to FINRA in Exchange Act Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca1–1, 15Ca2–1, 15Cc1–1, and 17a–3. The names of other self-regulatory organizations in Exchange Act Rule 15b6–1 are also being updated. In addition, paragraph (c) of Rule 15b3–1, paragraph (e) of Rule 15Ba2–2 and paragraph (c) of Rule 15Ca2–1 contain temporary re-filing instructions that are now obsolete. The Commission is adopting technical amendments to delete these paragraphs from these rules.

E. Forms ADV and ADV–W and Advisers Act Rules 203–1, 203–3, and 204–1

Investment advisers use Form ADV to register with the Commission and Form ADV–W to withdraw from registration.[7] Rules 203–1, 203–3, and 204–1 of the Advisers Act address issues relating to investment adviser registration and contain references to NASD. The Commission is adopting technical amendments to these forms and rules to replace references to NASD with references to FINRA.[8]

II. Certain Findings

Under the Administrative Procedure Act (''APA''), notice of proposed rulemaking is not required when the agency, for good cause, finds ''that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''[9] The Commission is making technical amendments to Item K of the General Instructions of Form MSD and Item 2 of the General Instructions of Form MSDW in response to the addition of the Office of Thrift Supervision to the Exchange Act Section 3(a)(34) definition of ''appropriate regulatory agency'' for a municipal securities dealer, by the Regulatory Relief Act and to update the addresses of the agencies listed on the forms.[10] Because these amendments will implement this statutory change by adding the Office of Thrift Supervision to the list of entities with which forms MSD and MSDW must be filed and also update the addresses of the agencies listed on the forms, the Commission finds that the amendments are technical in nature and that publishing the amendments for comment is unnecessary.[11]

The Commission is also adopting technical amendments to Form BD–N to update the address of the National Futures Association. Because this amendment will conform the address on the form with the new physical address of the National Futures Association, the Commission finds that the amendment is technical in nature and that publishing the amendment for comment is unnecessary.[12]

In addition, the Commission is adopting technical amendments to Forms BD and BDW to reflect the formation of FINRA and to correctly reflect the Commission's authority to collect the information on the forms. Similarly, the Commission is adopting technical amendments to Exchange Act Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca1–1, 15Ca2–1, 15Cc1–1, and 17a–3, as well as, to Forms ADV and ADV–W, and to Advisers Act Rules 203–1, 203–3, and 204–1 to reflect the formation of FINRA. Because these amendments will replace references to NASD with references to FINRA and, in the case of Forms BD and BDW, include Section 15B of the Exchange Act in the list of statutory references authorizing the Commission to collect the information on the forms, the Commission finds that the amendments are technical in nature and that publishing the amendments for comment is unnecessary.[13] In addition, the Commission is deleting obsolete temporary re-filing instructions in Rules 15b3–1, 15Ba2–2 and 15Ca2–1. Because these amendments will eliminate outdated instructions that include outdated references to NASD, the Commission finds that the amendments are technical in nature and that publishing the amendments for comment is unnecessary.[14]

Publication of a substantive rule not less than 30 days before its effective date is required by the APA except as otherwise provided by the agency for good cause.[15] For the same reasons described above with respect to notice and opportunity for comment, the Commission finds that there is good cause for making the technical

[5] Section 15(b) of the Exchange Act provides that broker-dealers can register and withdraw from registration under procedures developed by the Commission. Exchange Act Rule 15b1–1 requires that an application for registration of a broker or dealer that is filed pursuant to Section 15(b) of the Exchange Act be filed on Form BD in accordance with the instructions on the form. Exchange Act Rule 15b6–1 requires that a notice of withdrawal from registration as a broker or dealer filed pursuant to Section 15(b) of the Exchange Act be filed on Form BDW in accordance with the instructions on the form.

Forms BD and BDW are uniform forms that also are used to register and deregister with states, to become members, and to withdraw from membership with SROs.

[6] *See* Exchange Act Rel. No. 56145 (Jul. 26, 2007), 72 FR 42190 (Aug. 1, 2007).

[7] Section 203 of the Advisers Act provides that investment advisers can register and withdraw from registration under procedures developed by the Commission. Advisers Act Rule 203–1 requires that an application for registration of an investment adviser that is filed pursuant to Section 203(c) of the Advisers Act be filed on Form ADV in accordance with the instructions on the form. Advisers Act Rule 203–2 requires that a notice of withdrawal from registration as an investment adviser pursuant to Section 203(h) of the Advisers Act be filed on Form ADV–W in accordance with the instructions on the form.

Investment advisers also use Forms ADV and ADV–W to register and withdraw from registration with states.

[8] Part 1B of Form ADV is required by the state securities authorities for state-registered investment advisers. It is not a Commission form. At the request of the North American Securities Administrators Association, Inc., for informational purposes the Commission notes that FINRA will replace a reference to NASD in the Part 1B, Arbitration Disclosure Reporting Page (ADV).

[9] 5 U.S.C. 553(b).

[10] Public Law No. 109–351, 120 Stat. 1966 (2006).

[11] For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. See 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility Act analyses, the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term ''rule'' does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] 5 U.S.C. 553(d).

amendments to each of the forms and rules effective on January 28, 2008.

III. Consideration of Promotion of Efficiency, Competition, and Capital Formation

Section 3(f) of the Exchange Act,[16] and Section 202(c) of the Advisers Act,[17] provide that whenever the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. In addition, Section 23(a)(2) of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the anticompetitive effects of such rules, if any, and to refrain from adopting a rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[18]

Because the amendments are limited to technical amendments, we do not anticipate that any competitive advantages or disadvantages would be created. We do not expect the amendments, as technical amendments, to have a significant effect on efficiency, or on capital formation or the capital markets resulting from any obligations imposed by the Commission.

IV. Statutory Authority

We are adopting the technical amendments to Forms MSD, MSDW, BD, BDW, and BD–N and to Exchange Act Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca1–1, 15Ca2–1, 15Cc1–1, and 17a–3 under the authority set forth in the Exchange Act and, in particular, Sections 3(b), 15(a), 15(b), 15B, 17(a), and 23(a) therein.[19] We are adopting the technical amendments to Form ADV under the authority set forth in Section 19(a) of the Securities Act of 1933,[20] Sections 23(a) and 28(e)(2) of the Exchange Act,[21] Section 319 of the Trust Indenture Act of 1939,[22] Section 38(a) of the Investment Company Act of 1940[23] and Sections 203(c)(1), 204, and 211(a) of the Advisers Act.[24] We are adopting the technical amendments to Form ADV–W and Advisers Act Rule 203–1 under the authority set forth in Sections 203(c)(1), 204, and 211(a) of the Advisers Act.[25] We are adopting the technical amendments to Advisers Act Rule 203–3 under the authority set forth in Sections 203(c)(1) and 211(a) of the Advisers Act.[26] We are adopting the technical amendments to Advisers Act Rule 204–1 under the authority set forth in Sections 203(c)(1) and 204 of the Advisers Act.[27]

Text of Form Amendments

List of Subjects

17 CFR Parts 240 and 249

Broker-dealers, Reporting and recordkeeping requirements, Securities.

17 CFR Parts 275 and 279

Investment advisers, Reporting and recordkeeping requirements, Securities.

■ For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The authority citation for part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.*, and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 2. Amend § 240.15b1–1 by revising paragraph (b) and removing the authority citation following the section to read as follows:

§ 240.15b1–1 Application for registration of brokers or dealers.

* * * * *

(b) Every application for registration of a broker or dealer that is filed on or after January 25, 1993, shall be filed with the Central Registration Depository operated by the Financial Industry Regulatory Authority, Inc.

* * * * *

■ 3. Amend § 240.15b3–1 by revising paragraph (a) and removing paragraph (c) to read as follows:

§ 240.15b3–1 Amendments to application.

(a) If the information contained in any application for registration as a broker or dealer, or in any amendment thereto, is or becomes inaccurate for any reason, the broker or dealer shall promptly file with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) an amendment on Form BD correcting such information.

* * * * *

■ 4. Amend § 240.15b6–1 by revising paragraph (a) to read as follows:

§ 240.15b6–1 Withdrawal from registration.

(a) Notice of withdrawal from registration as a broker or dealer pursuant to Section 15(b) of the Act shall be filed on Form BDW (17 CFR 249.501a) in accordance with the instructions contained therein. Every notice of withdrawal from registration as a broker or dealer shall be filed with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) in accordance with applicable filing requirements. Prior to filing a notice of withdrawal from registration on Form BDW (17 CFR 249.501a), a broker or dealer shall amend Form BD (17 CFR 249.501) in accordance with § 240.15b3–1(a) to update any inaccurate information.

* * * * *

■ 5. Amend § 240.15Ba2–2 by revising paragraph (a) and removing paragraph (e) to read as follows:

§ 240.15Ba2–2 Application for registration of non-bank municipal securities dealers whose business is exclusively intrastate.

(a) An application for registration, pursuant to section 15B(a) of the Act, of a municipal securities dealer who is not subject to the requirements of § 240.15Ba2–1, that is filed on or after January 25, 1993, shall be filed with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) on Form BD in accordance with the instructions contained therein.

* * * * *

■ 6. Amend § 240.15Bc3–1 by revising paragraph (b) to read as follows:

§ 240.15Bc3–1 Withdrawal from registration of municipal securities dealers.

* * * * *

(b) Every notice of withdrawal from registration as a municipal securities dealer that is filed on Form BDW (17 CFR 249.501a) shall be filed with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) in accordance with applicable filing requirements. Every notice of withdrawal of Form MSDW (17 CFR 249.1110) shall be filed with the Commission.

* * * * *

[16] 15 U.S.C. 78c(f).

[17] 15 U.S.C. 80b–2(c).

[18] 15 U.S.C. 78w(a)(2).

[19] 15 U.S.C. 78o(a), 78o(b), 78o–4, 78q(a), and 78w(a).

[20] 15 U.S.C. 77s(a).

[21] 15 U.S.C. 78w(a), 78bb(e)(2).

[22] 15 U.S.C. 77sss.

[23] 15 U.S.C. 80a–37(a).

[24] 15 U.S.C. 80b–3(c)(1), 80b–4, 80b–11(a).

[25] 15 U.S.C. 80b–3(c)(1), 80b–4, 80b–11(a).

[26] 15 U.S.C. 80b–3(c)(1), 80b–11(a).

[27] 15 U.S.C. 80b–3(c)(1), 80b–4.

■ 7. Amend § 240.15Ca1–1 by revising paragraph (c) to read as follows:

§ 240.15Ca1–1 Notice of government securities broker-dealer activities.

* * * * *

(c) Any notice required pursuant to this section shall be considered filed with the Commission if it is filed with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) in accordance with applicable filing requirements.

■ 8. Amend § 240.15Ca2–1 by revising paragraph (a) and removing paragraph (c) to read as follows:

§ 240.15Ca2–1 Application for registration as a government securities broker or government securities dealer.

(a) An application for registration pursuant to Section 15C(a)(1)(A) of the Act, of a government securities broker or government securities dealer that is filed on or after January 25, 1993, shall be filed with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) on Form BD in accordance with the instructions contained therein.

* * * * *

■ 9. Amend § 240.15Cc1–1 by revising paragraph (a) to read as follows:

§ 240.15Cc1–1 Withdrawal from registration of government securities brokers or government securities dealers.

(a) Notice of withdrawal from registration as a government securities broker or government securities dealer pursuant to Section 15C(a)(1)(A) of the Act (15 U.S.C. 78o–5(a)(1)(A)) shall be filed on Form BDW (17 CFR 249.501a) in accordance with the instructions contained therein. Every notice of withdrawal from registration as a government securities broker or dealer shall be filed with the Central Registration Depository (operated by the Financial Industry Regulatory Authority, Inc.) in accordance with applicable filing requirements. Prior to filing a notice of withdrawal from registration on Form BDW (17 CFR 249.501a), a government securities broker or government securities dealer shall amend Form BD (17 CFR 249.501) in accordance with 17 CFR 400.5(a) to update any inaccurate information.

* * * * *

■ 10. Amend § 240.17a–3, the undesignated paragraph following paragraph (a)(12)(i)(H) by:

■ a. Revising the phrase ''National Association of Securities Dealers, Inc.'' to read ''Financial Industry Regulatory Authority, Inc.'';

■ b. Revising the phrase ''New York Stock Exchange, Inc., the Pacific Exchange, Inc.'' to read ''New York Stock Exchange LLC, NYSE Arca, Inc.''; and

■ c. Revising the phrase ''Chicago Board Options Exchange, Inc., the Cincinnati Stock Exchange, Inc. or the International Securities Exchange'' to read ''Chicago Board Options Exchange, Incorporated, the National Stock Exchange, Inc. or the International Securities Exchange, LLC''.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 11. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.*, 7202, 7233, 7241, 7262, 7264, and 7265; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 12. Form BD (referenced in § 249.501) is amended by:

■ a. In General Instruction A.1., second sentence, revising ''the NASD'' to read ''FINRA'';

■ b. In General Instruction A.5., FEDERAL INFORMATION LAW AND REQUIREMENTS,

■ i. In the second sentence, revising the phrase ''Sections 15, 15c,'' to read ''Sections 15, 15B, 15C,'';

■ ii. In the third sentence, revising the phrase ''*See* 15 U.S.C. §§ 78o,'' to read ''*See* 15 U.S.C. 78o, 78o–4,''; and

■ iii. In the seventh sentence, revising the phrase ''National Association of Securities Dealers, Inc.'' to read ''Financial Industry Regulatory Authority, Inc.'';

■ c. In Electronic Filing Instruction C.3., revising the phrase ''NASAA/NASD'' to read ''NASAA/FINRA'';

■ d. On page 2, Item 2, revising the box ''NASD'' to read ''FINRA'';

■ e. In Schedule E, Item 10, revising the phrase ''NASD Rule 3010'' to read ''FINRA rules'';

■ f. In Schedule E, Item 12, revising the phrase ''the NASD'' to read ''FINRA''; and

■ g. In the boxes following Schedule E, Item 12, revising ''NASD'' to read ''FINRA'' each time it appears.

Note: The text of Form BD does not, and these amendments will not, appear in the Code of Federal Regulations.

■ 13. Form BDW (referenced in § 249.501a) is amended by:

■ a. In General Instruction A.3., revising the phrase ''the NASD'' to read ''FINRA'';

■ b. In Partial Withdrawal C.2., revising the phrase ''NASAA/NASD'' to read ''NASAA/FINRA'';

■ c. In Explanation of Terms, under the term *Investigation*, first sentence, revising ''NASD Regulation, Inc.'' to read ''FINRA'' and revising ''The NASD By-Laws'' to read ''FINRA By-Laws'';

■ d. Under Federal Information Law and Requirements—SEC's Collection of Information,

■ i. In the second sentence, revising the phrase ''Sections 15, 15C,'' to read ''Sections 15, 15B, 15C,'';

■ ii. In the third sentence, revising the phrase ''*See* 15 U.S.C. §§ 78o,'' to read ''*See* 15 U.S.C. 78o, 78o–4,''; and

■ iii. In the seventh sentence, revising the phrase ''National Association of Securities Dealers, Inc.'' to read ''Financial Industry Regulatory Authority, Inc.''; and

■ e. In Item 3, revising the box ''NASD'' to read ''FINRA''.

Note: The text of Form BDW does not, and these amendments will not, appear in the Code of Federal Regulations.

■ 14. Form BD–N (referenced in § 249.501b) is amended by:

■ a. In Instruction 4, revising ''200 West Madison Street, Suite 1600'' to read ''300 South Riverside Plaza, Suite 1800''.

Note: The text of Form BD–N does not, and these amendments will not, appear in the Code of Federal Regulations.

■ 15. Form MSD (referenced in § 249.1100) is amended by:

■ a. In General Instruction K, fourth sentence,

■ i. Revising the phrase ''Comptroller of the Currency, Washington, DC 20219'' to read ''Comptroller of the Currency, Credit & Market Risk, 250 E Street, SW., MS 9–14, Washington, DC 20219'';

■ ii. Revising the phrase ''Federal Reserve Board, Washington, DC 20551'' to read ''Board of Governors of the Federal Reserve System, Market and Liquidity Risk Section, Mail Stop 185, 20th and C Streets, NW., Washington, DC 20551''; and

■ iii. Revising the phrase ''Federal Deposit Insurance Corporation, Washington, DC 20429'' to read ''Federal Deposit Insurance Corporation, 550 17th St., NW., Washington, DC 20429; applicants which are federal savings associations, or departments or divisions of such savings associations, must file Form MSD with the Office of Thrift Supervision, Managing Director, Examinations and Supervision Policy, 1700 G Street, NW., Washington, DC 20552''.

Note: The text of Form MSD does not, and these amendments will not, appear in the Code of Federal Regulations.

■ 16. Form MSDW (referenced in § 249.1110) is amended by:

■ a. In General Instruction 2, fourth sentence,

■ i. Revising the phrase ''Comptroller of the Currency, Washington, DC 20219'' to read ''Comptroller of the Currency, Credit & Market Risk, 250 E Street, SW., MS 9–14, Washington, DC 20219'';
■ ii. Revising the phrase ''Federal Reserve Board, Washington, D.C. 20551'' to read ''Board of Governors of the Federal Reserve System, Market and Liquidity Risk Section, Mail Stop 185, 20th and C Streets, NW., Washington, DC 20551''; and
■ iii. Revising the phrase ''Federal Deposit Insurance Corporation, Washington, DC 20429'' to read ''Federal Deposit Insurance Corporation, 550 17th St., NW., Washington, DC 20429; applicants which are federal savings associations, or departments or divisions of such savings associations, must file Form MSDW with the Office of Thrift Supervision, Managing Director, Examinations and Supervision Policy, 1700 G Street, NW., Washington, DC 20552''.

Note: The text of Form MSDW does not, and these amendments will not, appear in the Code of Federal Regulations.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

■ 17. The authority citation for part 275 continues to read, in part, as follows:

Authority: 15 U.S.C. 80b–2(a)(11)(G), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, and 80b–11, unless otherwise noted.

* * * * *

■ 18. Amend § 275.203–1 by revising paragraph (d) to read as follows:

§ 275.203–1 Application for investment adviser registration.

* * * * *

(d) *Filing fees.* You must pay FINRA (the operator of the IARD) a filing fee. The Commission has approved the amount of the filing fee. No portion of the filing fee is refundable. Your completed application for registration will not be accepted by FINRA, and thus will not be considered filed with the Commission, until you have paid the filing fee.

■ 19. Amend § 275.203–3 by revising paragraph (b)(3) and the Note to paragraph (b) to read as follows:

§ 275.203–3 Hardship exemptions.

* * * * *

(b) * * *

(3) *Effective date—upon approval.* You are not exempt from the electronic filing requirements until and unless the Commission approves your application. If the Commission approves your application, you may submit your filings to FINRA in paper format for the period of time for which the exemption is granted.

* * * * *

Note to paragraph (b): FINRA will charge you an additional fee covering its cost to convert to electronic format a filing made in reliance on a continuing hardship exemption.

■ 20. Amend § 275.204–1 by revising paragraphs (b)(2) and (d) to read as follows:

§ 275.204–1 Amendments to application for registration.

* * * * *

(b) * * *

(2) If you have received a continuing hardship exemption under § 275.203–3, you must, when you are required to amend your Form ADV, file a complete Part 1A of Form ADV on paper with the SEC by mailing it to FINRA.

* * * * *

(d) *Filing fees.* You must pay FINRA (the operator of the IARD) an initial filing fee when you first electronically file Part 1A of Form ADV. After you pay the initial filing fee, you must pay an annual filing fee each time you file your annual updating amendment. No portion of either fee is refundable. The Commission has approved the filing fees. Your amended Form ADV will not be accepted by FINRA, and thus will not be considered filed with the Commission, until you have paid the filing fee.

* * * * *

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

■ 21. The authority citation for part 279 continues to read as follows:

Authority: The Investment Advisers Act of 1940, 15 U.S.C. 80b–1, *et seq.*

■ 22. Form ADV (referenced in § 279.1) is amended by:
■ a. In General Instruction 1, third paragraph, revising ''NASD'' to read ''FINRA'';
■ b. In General Instruction 9,
■ i. In the first bullet, fourth sentence, revising ''NASD'' to read ''FINRA'';
■ ii. In the second bullet, revising all references to ''NASD'' to read ''FINRA'' each time it appears; and
■ iii. In the fourth bullet, revising ''NASD'' to read ''FINRA'';
■ c. In General Instruction 10,
■ i. In the first paragraph, fourth sentence, revising ''NASD'' to read ''FINRA''; and
■ ii. In the second paragraph, revising ''NASD'' to read ''FINRA'';
■ d. In General Instruction 14, second bullet, revising all references to ''NASD'' to read ''FINRA'' each time it appears;
■ e. In General Instruction 15, first bullet under ''Where you submit your paper filing depends on why you are eligible to file on paper,'' revising all references to ''NASD'' to read ''FINRA'' each time it appears;
■ f. Removing Glossary of Terms 23;
■ g. Redesignating Glossary of Terms 11 to 22, as Glossary of Terms 12 to 23;
■ h. Adding new Glossary of Terms 11;
■ i. In Glossary of Terms 32, Self-Regulatory Organization or SRO, second sentence, revising ''NASD'' to read ''FINRA''; and
■ j. In Part 1A, Item 1.E., first sentence, revising ''*NASD's*'' to read ''*FINRA's*''.

Note: The text of Form ADV does not, and these amendments will not, appear in the Code of Federal Regulations.

The addition of new Glossary of Terms 11 reads as follows:

Form ADV

* * * * *

Glossary of Terms

* * * * *

11. *FINRA's CRD or CRD:* The Web Central Registration Depository (''CRD'') system operated by FINRA for the registration of broker-dealers and broker-dealer representatives. *[Used in: Part 1A, Item 1; Form ADV–W, Item 1]*

* * * * *

■ 23. Form ADV–W (referenced in § 279.2) is amended by:
■ a. In Instruction 5, How should I file my Form ADV–W?, second paragraph, second sentence, revising ''NASD,'' to read ''FINRA,''; and
■ b. In Item 1.C., revising ''*NASD's*'' to read ''*FINRA's*''.

Note: The text of Form ADV–W does not, and these amendments will not, appear in the Code of Federal Regulations.

Dated: January 17, 2008.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E8–1171 Filed 1–25–08; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9369]

RIN 1545–BG40

Calculating and Apportioning the Section 11(b)(1) Additional Tax Under Section 1561 for Controlled Groups; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to temporary regulations (TD 9369) that were published in the **Federal Register** on Wednesday, December 26, 2007 (72 FR 72929) affecting component members of a controlled group of corporations and consolidated groups filing life-nonlife Federal income tax returns. These regulations provide guidance for calculating and apportioning between component members any amount of additional tax and any reduction in the amount exempted from the alternative minimum tax.

DATES: The correction is effective January 28, 2008.

FOR FURTHER INFORMATION CONTACT: Grid Glyer, (202) 622–7930 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations (TD 9369) that are the subject of the correction are under sections 11, 55, 1502, 1561 and 1563 of the Internal Revenue Code.

Need for Correction

As published, temporary regulations (TD 9369) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

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

PART 1—INCOME TAXES

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

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

■ **Par. 2**. Section 1.1561–2T is amended by revising paragraph (b)(1) to read as follows:

§ 1.1561–2T Special rules for allocating reductions to certain section 1561(a) tax-benefit items (temporary).

* * * * *

(b) * * *

(1) *Calculation*. The alternative minimum taxable incomes for all the taxable years of the component members of a controlled group of corporations subjected to the same December 31st testing date shall be taken into account in calculating the reduction set forth in section 55(d)(3) to the amount exempted from the alternative minimum tax (the exemption amount).

* * * * *

LaNita Van Dyke,

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

[FR Doc. E8–1367 Filed 1–25–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2007–0128]

RIN 1625–AA00

Safety Zone; Molokini Crater, Maui, HI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone around Molokini Crater, in waters south of the island of Maui, HI. This zone is necessary to protect rescue and security assets, air crews, and the general public from hazards associated with an explosive ordnance disposal (EOD) process scheduled to take place on Molokini Crater. Entry of persons or vessels into this safety zone is prohibited unless authorized by the Captain of the Port (COTP) Honolulu.

DATES: This rule is effective from January 27, 2008 through February 8, 2008. The Coast Guard will accept comments on this rule through February 8, 2008.

ADDRESSES: You may submit comments and related material, identified by Coast Guard docket number USCG–2007–0128, by any of the four methods listed below. To avoid duplication, please use only one of the following methods:

(1) *Mail:* Commanding Officer, U.S. Coast Guard Sector Honolulu, 400 Sand Island Parkway, Honolulu, Hawaii 96819–4398.

(2) *Electronically:* E-mail to Lieutenant (Junior Grade) Jasmin Parker at *Jasmin.M.Parker@uscg.mil* using the subject line ''Comment—Molokini Safety Zone.''

(3) *Fax:* (808) 522–8271.

(4) *Online: http://www.regulations.gov.*

Documents indicated in this preamble as being available in the docket are part of docket USCG–2007–0128 and are available for inspection and copying at U.S. Coast Guard Sector Honolulu between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Jasmin Parker, U.S. Coast Guard Sector Honolulu at (808) 842–2600.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this temporary rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. It would be contrary to the public interest to delay implementing this temporary rule, as any delay might result in damage or injury to the public, vessels, and facilities in the area of Molokini Crater. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**.

Although the Coast Guard has good cause to issue this temporary rule without first publishing a proposed rule, you are invited to submit post-promulgation comments and related material regarding this rule through February 8, 2008. All comments will be reviewed as they are received. Your comments will assist us in drafting future rules should they be necessary, and may cause us to change this temporary final rule before it expires.

All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) for their Docket Management Facility to process online submissions to Coast Guard dockets. You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR

19477), or you may visit *http://DocketsInfo.dot.gov.*

Background and Purpose

During a cite survey on Molokini Crater, surveyors discovered three pieces of unexploded ordnance requiring disposal. The Coast Guard, in consultation with the U.S. Fish and Wildlife Service, the State of Hawaii, the City and County of Maui, the U.S. Navy, and the Federal Aviation Administration, has determined it is necessary to close the area in the vicinity of Molokini Crater in order to minimize the dangers that fragmentation, explosive arcs, and possible fires may present to persons and vessels. Should such an incident occur, or in the event that EOD personnel would require emergency assistance, rescuers must have immediate and unencumbered access to the area. Also, vessels operating in the area might otherwise distract EOD and rescue personnel. The Coast Guard, through this action, intends to promote the safety of personnel, vessels, and facilities in the area of Molokini Crater.

Discussion of Rule

This temporary safety zone encompasses all waters up to and within one nautical mile of the shoreline of Molokini Crater, from the surface of the water to the ocean floor. It is effective from January 27, 2008 through February 8, 2008, but will be enforced for periods of ten hours or less on the effective dates. Unpredictable weather and sea states make a broad date and time range necessary to safely complete the EOD. Enforcement periods will be announced over marine band VHF channel 16 prior to enforcement to ensure ample public notification. In accordance with the general regulations in 33 CFR part 165, subpart C, no person or vessel is permitted to enter or remain in the zone except for support vessels/aircraft and support personnel, or other vessels authorized by the Captain of the Port or his designated representatives. Vessels, aircraft, or persons in violation of this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under § 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under § 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This expectation is based on the limited duration of the zone and the limited geographic area affected by it.

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. We expect that there will be little impact to small entities due to the narrowly tailored scope of this safety 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 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 this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant (Junior Grade) Jasmin Parker, U.S. Coast Guard Sector Honolulu at (808) 842–2600. 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 either preempts State law or imposes 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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed 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 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 would 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 is 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 concluded that there are no factors in this case that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, under figure 2–1, paragraph (34)(g) of the Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. An ''Environmental Analysis Checklist'' and ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record-keeping 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 § 165.T14–165 to read as follows:

§ 165.T14–165 Safety Zone; Molokini Crater, Maui, HI.

(a) *Location.* The following is a safety zone: All waters up to and within 1 nautical mile of the shoreline of Molokini Crater, from the surface of the water to the ocean floor.

(b) *Effective Dates.* This rule is effective from January 27, 2008 through February 8, 2008.

(c) *Suspension of Enforcement.* The Coast Guard will suspend enforcement of the safety zone described in this section whenever explosive ordinance disposal work is not being performed in the vicinity. Advance notice of enforcement periods and suspension of enforcement will be announced over marine band VHF channel 16.

(d) *Regulations.* In accordance with the general regulations in 33 CFR part 165, Subpart C, no person or vessel may enter or remain in the zone except for support vessels/aircraft and support personnel, or other vessels authorized by the Captain of the Port or his designated representatives.

(e) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: January 10, 2008.

B.A. Compagnoni,

Captain, U.S. Coast Guard, Captain of the Port Honolulu.

[FR Doc. 08–354 Filed 1–23–08; 4:28 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–8009]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

FOR FURTHER INFORMATION CONTACT: David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal

financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

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

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

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

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

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region III				
Virginia:				
Bridgewater, Town of, Rockingham County.	510134	Feb. 10, 1974, Emerg; Dec. 15, 1983, Reg; Feb. 6, 2008, Susp.	February 6, 2008 ...	February 6, 2008.
Broadway, Town of, Rockingham County.	510135	July 5, 1974, Emerg; June 5, 1985, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Dayton, Town of, Rockingham County.	510136	Mar. 13, 1975, Emerg; Oct. 15, 1985, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Elkton, Town of, Rockingham County.	510137	Jan. 20, 1975, Emerg; June 15, 1978, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Fauquier County, Unincorporated Areas.	510055	Mar. 18, 1975, Emerg; Nov. 1, 1979, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Harrisonburg, City of, Independent City.	510076	Dec. 2, 1974, Emerg; Nov. 3, 1989, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Mt. Crawford, Town of, Rockingham County.	510224	July 18, 1975, Emerg; June 5, 1985, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Powhatan County, Unincorporated Areas.	510117	Feb. 5, 1975, Emerg; Sept. 15, 1978, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Remington, Town of, Fauquier County.	510056	Dec. 13, 1974, Emerg; Mar. 18, 1980, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Warrenton, Town of, Fauquier County.	510057	Mar. 18, 1975, Emerg; Aug. 1, 1979, Reg; Feb. 6, 2008, Susp.	.....do	Do.
West Virginia:				
Belle, Town of, Kanawha County	540071	July 16, 1975, Emerg; Apr. 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Cedar Grove, Town of, Kanawha County.	540072	June 26, 1975, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Champmanville, Town of, Logan County.	540092	Jan. 29, 1971, Emerg; Aug. 27, 1971, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Charleston, City of, Kanawha County.	540073	Mar. 24, 1975, Emerg; June 15, 1983, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Chesapeake, Town of, Kanawha County.	540074	May 22, 1975, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Clendenin, Town of, Kanawha County.	540075	July 7, 1975, Emerg; July 16, 1984, Reg; Feb. 6, 2008, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Dunbar, City of, Kanawha County	540076	Aug. 6, 1974, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
East Bank, Town of, Kanawha County.	540077	May 29, 1975, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Glasgow, Town of, Kanawha County	540078	June 9, 1975, Emerg; June 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Handley, Town of, Kanawha County	540279	Dec. 3, 1975, Emerg; July 5, 1984, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Kanawha County, Unincorporated Areas.	540070	Apr. 2, 1976, Emerg; Mar. 18, 1985, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Logan, City of, Logan County	545535	Jan. 29, 1971, Emerg; July 16, 1971, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Logan County, Unincorporated Areas.	545536	Jan. 29, 1971, Emerg; Apr. 7, 1972, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Man, Town of, Logan County	545537	Jan. 29, 1971, Emerg; Sept. 10, 1971, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Marmet, Town of, Kanawha County	540079	June 12, 1975, Emerg; Apr. 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Mitchell Heights, Town of, Logan County.	540095	Jan. 29, 1971, Emerg; Aug. 13, 1971, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Nitro, City of, Kanawha County	540081	Apr. 21, 1975, Emerg; Apr. 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Pratt, Town of, Kanawha County	540082	Apr. 18, 1975, Emerg; May 1, 1984, Reg; Feb. 6, 2008, Susp.	.....do	Do.
South Charleston, City of, Kanawha County.	540223	June 5, 1974, Emerg; June 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Saint Albans, City of, Kanawha County.	540083	July 16, 1975, Emerg; June 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
West Logan, Town of, Logan County.	545539	Mar. 5, 1971, Emerg; June 2, 1972, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Region VIII				
North Dakota:				
Barnes County, Unincorporated Areas.	380339	Apr. 19, 1978, Emerg; June 4, 1987, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Kathryn, City of, Barnes County	380001	June 4, 1975, Emerg; July 19, 1982, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Litchville, City of, Barnes County	380187	Apr. 11, 1978, Emerg; Nov. 20, 1979, Reg; Feb. 6, 2008, Susp.	.....do	Do.
Valley City, City of, Barnes County	380002	Apr. 11, 1974, Emerg; Sept. 28, 1984, Reg; Feb. 6, 2008, Susp.	.....do	Do.

*-do- = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: January 18, 2008.

David I. Maurstad,

Assistant AdministratorMitigation Directorate,Department of Homeland Security,Federal Emergency Management Agency.

[FR Doc. E8–1396 Filed 1–25–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 175, 177, 178, 180

[Docket No. PHMSA–05–21812 (HM–218D)]

RIN 2137–AE10

Hazardous Materials; Miscellaneous Amendments

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

ACTION: Final rule.

SUMMARY: PHMSA is amending the Hazardous Materials Regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce. Among other provisions, PHMSA is adopting a new proper shipping name and identification number for fuel blends composed of ethanol and gasoline. In addition, PHMSA is updating references to consensus standards, revising and clarifying certain hazard communication requirements, and clarifying transportation requirements applicable to dry ice, detonator assemblies, and explosives. PHMSA is also expanding exceptions from regulation for small quantities of hazardous materials.

DATES: *Effective date:* The effective date of these amendments is October 1, 2008.

Incorporation by Reference Date: The incorporation by reference of certain publications listed in these amendments is approved by the Director of the Federal Register as of October 1, 2008.

Voluntary Compliance: Compliance with the requirements adopted herein is

authorized as of January 28, 2008. However, persons voluntarily complying with these regulations should be aware that appeals may be received and as a result of PHMSA's evaluation of these appeals, the amendments adopted in this final rule could be subject to further revision.

FOR FURTHER INFORMATION CONTACT:

Cameron Satterthwaite, Office of Hazardous Materials Standards, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule adopts various updates and amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) based on PHMSA initiatives and petitions for rulemaking submitted in accordance with 49 CFR 106.95. Most of the amendments, as detailed below, are intended to provide relief to industry by eliminating, revising, clarifying, or relaxing regulatory requirements.

This final rule also adds a new entry to the Hazardous Materials Table (HMT) for ethanol and gasoline blends with more than 10 percent alcohol (e.g., E85). This new entry—''Ethanol and gasoline mixtures *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN 3475, II,''—coupled with a revision to the entry—''Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol,* 3, NA1203, II''—will enhance the effectiveness of hazard communication and response by aligning the classification scheme with emergency response protocols. Because these protocols vary based on the concentration of ethanol (or ''ethyl alcohol'') in a gasoline mixture, differentiating in the classification of blends is critical to effective hazard communication. To minimize regulatory cost and burden, these requirements will not become effective for two years; however, voluntary compliance is permitted immediately.

In response to two petitions for rulemaking, we are adopting expanded small quantity exceptions for Packing Group II and III materials in Class 3, Division 4.1, Division 4.2, Division 4.3, Division 5.1, Division 6.1, Class 8, and Class 9. This exception is expected to yield annual savings of about $1 million, with no adverse safety impact.

Also in this final rule, we are:

(1) Updating provisions incorporating consensus standards issued by the Chlorine Institute and the Compressed Gas Association (see §§ 171.7, 173.301, 178.337–9, and 178.337–10).

(2) Adding a definition for ''household wastes'' to clarify the current exception in the HMR for transportation of such materials (see §§ 171.8, 173.12 and 173.134).

(3) Revising the HMT to harmonize certain entries with international standards (see § 172.101) by removing, adding, and revising certain proper shipping names.

(4) Revising certain hazard communication provisions to address shipping paper requirements for marine pollutants, marking requirements for limited quantities, proper shipping name markings on packages, and labeling of intermediate bulk containers (IBCs) (see §§ 172.203, 172.315, and 172.406).

(5) Clarifying requirements applicable to the transportation of dry ice on aircraft, detonator assemblies, and packagings authorized for the transportation of certain explosives (see §§ 173.24, 173.61, 173.62, 173.217, 175.30, and 175.900).

(6) Clarifying that a shipper must use a carrier with a safety permit to transport hazardous materials for which safety permits are required as specified under the Federal Motor Carrier Safety Regulations (see § 173.22).

(7) Clarifying segregation requirements for hazardous materials transported by motor carrier (see § 177.848).

II. Notice of Proposed Rulemaking

We published a notice of proposed rulemaking (NPRM) under this docket on September 26, 2006 (71 FR 55757). The comment period for the NPRM closed on November 24, 2006. PHMSA received comments from the following individuals, companies, and organizations:

(1) Lawrence Laude (Laude; PHMSA–05–21812–3);

(2) Hydro-Test Products Inc. (Hydro-Test; PHMSA–05–21812–4);

(3) Henry Hsiu (Hsiu; PHMSA–05–21812–5);

(4) Archer Daniels Midland Company (ADM; PHMSA–05–21812–6);

(5) Regulatory Resources Inc. (RRI; PHMSA–05–21812–7);

(6) United Parcel Service (UPS; PHMSA–05–21812–8);

(7) Florida Power and Light Company (FPL; PHMSA–05–21812–9);

(8) Laboratory Corporation of America (LabCorp; PHMSA–05–21812–10);

(9) Krista Duncan (Duncan; PHMSA–05–21812–11);

(10) Petroleum Marketers Association of America (PMAA; PHMSA–05–21812–12);

(11) Health and Personal Care Logistics Conference, Inc. (H&PCLC; PHMSA–05–21812–13);

(12) Association of Hazmat Shippers, Inc. (AHS; PHMSA–05–21812–14);

(13) Veolia Environmental Services Technical Solutions L.L.P.C. (Veolia; PHMSA–05–21812–15);

(14) National Tank Truck Carriers (NTTC; PHMSA–05–21812–16);

(15) Renewable Fuels Association (RFA; PHMSA–05–21812–17);

(16) American Trucking Associations (ATA; PHMSA–05–21812–18);

(17) Petroleum Marketers and Convenience Stores of Iowa (PMCI; PHMSA–05–21812–19);

(18) Shell Chemical LP (Shell Chemical; PHMSA–05–21812–20); and

(19) BWXT Pantex, LLC (BWXT Pantex; PHMSA–05–21812–21).

Commenters were generally supportive of PHMSA's efforts to update, clarify, or provide relief from certain regulatory requirements. Many of the proposals in the NPRM were either fully supported by commenters or received no comment; these amendments are adopted as proposed. Each of the proposals, with corresponding comments, is discussed in more detail below.

III. Section-by-Section Review

A. Gasoline/Ethanol Fuel Blends (§§ 171.14, 172.101, 172.102, 172.336)

Alternative fuels have been produced and used on a small scale for decades, driven by environmental, economic, and energy security concerns. The most common of these fuels, designated E85, is being used and transported in increasing volumes in the United States. A blend of 85 percent ethyl alcohol (ethanol) and 15 percent petroleum (gasoline), E85 poses unique hazards that must be communicated and understood immediately in the case of a transportation incident. E85 and other fuel blends with high ethanol concentration are polar/water-miscible flammable liquids (i.e., they mix with water) and will degrade the effectiveness of fire-fighting foam that is not alcohol-resistant.

The 2004 Emergency Response Guidebook (ERG2004) instructs emergency responders to use different fire extinguishing materials based on the relative concentration of ethanol in a blended fuel. ERG 2004 refers to Guide 127 (Flammable Liquids Polar/Water-Miscible), which specifies the use of alcohol resistant foam for response to incidents involving Alcohols, n.o.s., 3, UN1987, or Denatured alcohol, 3, NA1987. For incidents involving blends of gasoline and ethanol (typically

transported under the shipping descriptions ''Flammable liquid, n.o.s., (ethanol, gasoline), 3, UN1993'', and ''Gasohol, 3, NA1203''), ERG 2004 refers to Guide 128 (Flammable Liquids Non-Polar/Water-Immiscible). Guide 128 specifies the use of regular foam but contains the following warning: ''CAUTION: For mixtures containing a high percentage of an alcohol or polar solvent, alcohol-resistant foam may be more effective.''

To help emergency responders utilize the most effective emergency response procedures for incidents involving fuel blends composed of ethanol (or ''ethyl alcohol'') and gasoline in various concentrations, we proposed in the NPRM to add a new proper shipping description, ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II'' to the HMT. This new HMT entry is consistent with a new shipping description adopted within the Fifteenth Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations).

In addition, we proposed to revise the hazard communication requirements for compartmented cargo tanks, tank cars, or cargo tanks that carry materials under this description. Currently, the HMR provide exceptions from the identification number marking requirements for each of the different liquid petroleum distillate fuels, including gasohol containing up to 20% ethanol, transported in a compartmented cargo tank or tank car if the identification number is displayed for the liquid petroleum distillate fuel having the lowest flash point. Because of this exception, emergency responders may not know that fires involving materials transported in a compartmented cargo tank or tank car should be handled with alcohol resistant foam. In the NPRM, we proposed to eliminate this exception for materials described under the proposed new HMT entry ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II''. Thus, as proposed, display of the new UN identification number for ethanol fuel blends would be required to ensure that emergency responders understand the unique response measures applicable to such materials.

To facilitate compliance with the new provisions applicable to ethanol fuel blends, we proposed a two-year transition period. We asked commenters specifically to address the proposed transition period, including whether the transition period would provide sufficient time for shippers and carriers to incorporate the proposed new shipping name and UN identification number into shipping papers and package markings with minimal disruptions to normal business operations. We also asked if the proposed two-year transition period should be shortened to ensure that the new shipping name and UN identification number are utilized as quickly as possible. In addition, we requested comments on how to balance these two potentially competing goals.

Shell strongly supports the addition of the new proper shipping description, ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II.'' Shell contends the new description will provide more effective guidance to emergency responders. Shell also notes that ethanol content greater than 10 percent in motor fuel blends requires alcohol resistant foam to minimize blanket break down and vapor breakthrough and re-ignition.

Five commenters [ADM, PMAA, NTTC, RFA, and PMCI] suggest that the emergency response requirements cited in the NPRM could be satisfied through other, more effective or less costly means. PMCI suggests that adoption of the proposed amendments would increase confusion for persons attempting to determine the most appropriate shipping description for gasoline/alcohol fuel blends. NTTC and PMCI suggest using a uniform gasoline ''UN1203'' marking for both gasoline and gasoline/alcohol fuel blends, while revising the ERG to specify the use of alcohol resistant foam for any Class 3, Flammable liquid, rather than incorporating a new shipping description into the HMR. As an alternative to this approach, PMCI recommends authorizing the new shipping description for both gasoline and gasoline/alcohol fuel blends. Under this alternative, multiple compartmented cargo tanks transporting both gasoline and gasoline/alcohol fuel blends could display only one UN identification number rather than multiple UN identification numbers representing different types of fuel blends.

Several commenters addressed the potential cost impacts of our proposal to limit the applicability of the current exception that permits display of the UN identification number for the material having the lowest flashpoint on multi-compartmented cargo tank motor vehicles and rail tank cars transporting different liquid petroleum distillate fuels, including gasoline and gasohol. One commenter [PMAA] asserts that the proposed rule would impose significant costs for retrofitting trucks to display multiple UN identification numbers. In response to our request for specific comments regarding the costs for tank truck carriers to comply with the proposal, NTTC states that it is unable to quantify the total number of tank trucks in ethanol service. NTTC states that its members operate over 10,000 petroleum trailers and that these trailers are equipped to transport both ethanol and gasoline, although NTCC cannot confirm the extent to which trailers actually transport both materials. NTTC further asserts that due to the shortage of petroleum trailers currently in service, with the introduction of ultra-low sulfur diesel (ULSD) and other alternative fuels, it is not practical to ''dedicate'' these trailers exclusively to gasoline or ethanol service. As a result, NTTC suggests that trailers should be equipped to handle both. Regarding the identification marking provisions, NTTC states that the majority of cargo tank motor vehicles, most of which have multiple compartments, have Hazard Class 3, FLAMMABLE LIQUID placards with UN1203 ''gasoline'' markings permanently affixed to them. NTTC estimates costs approaching or equaling $600 per vehicle to convert the identification numbers and placards on a multi-compartmented cargo tank.

We believe that the new shipping description for gasoline/ethanol fuel blends will enhance emergency responders' ability to respond effectively to incidents involving these materials. A unique shipping description and UN identification number will enable emergency responders to quickly identify whether an ethanol fuel blend is present and minimize confusion as to appropriate response measures. The new shipping description will be incorporated into the 2008 edition of the ERG. Therefore, we are adopting the proposed new shipping description ''Ethanol and gasoline mixture *or* Ethanol and motor spirit mixture *or* Ethanol and petrol mixture, *with more than 10% ethanol,* Class 3, UN3475, II.''

We disagree with the cost estimates from NTTC. As detailed in a May 1, 2006 letter of clarification (Reference Number 01–0082R; included in the docket for this rulemaking), the marking exception does not apply to multi-compartment cargo tanks or rail tank cars containing a fuel blend with more than 10 percent alcohol and various petroleum distillate fuels because the alcohol-fuel blend does not meet the definition for a petroleum distillate fuel. Therefore, a multi-compartment cargo

tank or rail tank car containing an alcohol-fuel blend together with petroleum distillate fuels such as gasoline must be marked with the identification number applicable to the fuel blend, in addition to the identification number of the petroleum distillate fuel.

For example, under current requirements, a compartmented cargo tank containing Gasoline, UN1203; Diesel Fuel, UN1993; Flammable liquid, n.o.s. (E85), UN1993; and Denatured Alcohol, NA1987, must display identification numbers ''1203,'' ''1993'' (for the E85), and ''1987.'' After the effective date of this final rule, a compartmented cargo tank carrying the same materials will be required to display identification numbers ''1203,'' ''3475'' (for the E85), and ''1987.'' In this scenario, the only modification is replacement of the identification number ''1993'' (for the E85) with new identification number ''3475'' for gasoline and alcohol blends containing more than 10% alcohol. The cost to replace one identification number marking on up to 4 sides of the vehicle should be significantly less than the costs estimated by commenters.

Further, to minimize the cost of transitioning to the new UN3475 marking, we are permitting motor carriers to transport E85 in accordance with the most recent marking requirements in place prior to the publication of this rule for a period of two years following the effective date of this final rule. Specifically, we are permitting use of compartmented cargo tanks, tank cars, and cargo tanks displaying the current UN identification number marking of the distillate fuel having the lowest flashpoint in addition to the UN identification number marking of fuel blends containing more than 10 percent alcohol. We believe the two-year transition period will substantially reduce the financial burden on carriers affected by this amendment by allowing them to retain the current permanent markings on their tanks while transitioning to the new identification marking for UN3475. We did not receive any comments opposing the implementation of a two-year transition period.

Currently, the HMR references special provision 172 under the entries ''Denatured alcohol, NA1987'' and ''Alcohols, n.o.s., UN1987.'' Special provision 172 allows for the alcohols described under these entries to contain up to 5 percent petroleum products. The ethanol blend, E95, is an alcohol solution containing up to 5 percent petroleum product and may be described as either ''Denatured alcohol, NA1987'' or ''Alcohols, n.o.s., UN1987.'' Therefore, to maintain consistency with the current requirements and to further offset potential costs, we are allowing transportation of ethanol and gasoline blends containing no more than 5 percent petroleum product and described as ''Denatured alcohol'' or ''Alcohols, n.os.'' to be marked with the identification number ''1987'' instead of ''3475.'' This exception is consistent with a comment submitted by RFA noting that many ethanol-fuel blends such as E95 (containing 95% ethanol and 5% gasoline), are currently shipped in bulk packagings marked with the UN identification number ''1987,'' corresponding to the proper shipping names ''Denatured alcohol'' and ''Alcohols, n.o.s.'' Although we are not introducing a new shipping description that corresponds to the identification number ''1987'' as suggested by RFA, we agree that the proper shipping names ''Alcohols, n.o.s., UN1987'' and ''Denatured alcohol, NA1987'' are acceptable alternatives to the new proper shipping name ''Ethanol and gasoline mixture *or* Ethanol and motor spirit mixture *or* Ethanol and petrol mixture, *with more than 10% ethanol*, UN3475'' for ethanol and gasoline mixtures containing not more than 5 percent petroleum products.

In relation to adding the new proper shipping description, ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II,'' we proposed in the NPRM to add a new Special Provision 177 in § 172.102 to specify the proper applicability of this new description. We received no comments opposing this proposed amendment and are, therefore, adopting it as proposed.

To correspond with the new shipping description in this final rule, we are also revising the entry for ''Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol,* 3, NA1203, II'' to limit this entry to gasoline blends with not more than 10 percent alcohol. The purpose of this revision is to make it explicitly clear that gasoline blends containing more than 10 percent ethanol should be described under the new shipping description ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II.'' To minimize the financial impact of this revision we are authorizing continued use of the entry ''Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol,* 3, NA1203, II'' for two years following the effective date of this final rule.

In conjunction with the new description for gasoline and ethanol blends with more than 10 percent ethanol, Shell suggests removing the entry ''Gasohol, NA1203'' and revising the entry for ''Gasoline, UN1203'' to add a special provision that specifically communicates to shippers that the entry ''Gasoline, UN1203'' may be used for gasoline and ethanol blends with not more than 10 percent ethanol for use in spark-ignition engines. We agree that Shell's suggestion has merit. Although we are not removing the entry ''Gasohol, NA1203'' in this rule, we are revising the entry ''Gasoline, UN1203'' to allow for this description to be used for gasoline and ethanol blends with not more than 10 percent ethanol. We are revising the proper shipping name in column 2 of the HMT to include the allowance in italics following the name ''Gasoline.'' This will provide shippers with the flexibility to accurately describe gasoline containing small amounts of ethanol on their shipping documentation. The ever increasing amount of gasoline blends containing 10 percent or less ethanol makes this modification particularly important.

The following chart compares currently authorized proper shipping names and the proper shipping names authorized under this final rule for gasoline and gasoline-alcohol blends:

Material	Current proper shipping name and ID number	Proper shipping name and ID number authorized in this final rule
Gasoline, with not more than 10% ethanol.	Gasohol, NA1203	• Gasohol, NA1203. • Gasoline UN 1203.
Gasoline, with not more than 20% ethanol.	Gasohol, NA1203	• Gasohol, NA1203 (w/ not more than 10% ethanol). • Gasoline UN 1203 (w/ not more than 10% ethanol) • Ethanol and gasoline mixture, UN3475 (w/ more than 10% ethanol)

Material	Current proper shipping name and ID number	Proper shipping name and ID number authorized in this final rule
Gasoline/ethanol blends with more than 10% ethanol..	• Flammable liquid, n.o.s., UN1993 • Gasohol, NA1203(w/ not more than 20% ethanol)	• Ethanol and gasoline mixture, UN3475. • Alcohols, n.o.s., UN1987 (Alcohol mixtures containing up to 5% gasoline). • Denatured alcohol, NA1987 (Alcohol mixtures containing up to 5% gasoline). • Ethanol and gasoline mixture, UN3475 (Alcohol mixtures containing up to 5% gasoline).
E85 (85% ethanol, 15% gasoline).	Flammable liquid, n.o.s., UN1993	Ethanol and gasoline mixture, UN3475.
Alcohol mixtures containing up to 5% gasoline.	• Alcohols, n.o.s., UN1987 • Denatured alcohol, NA1987	• Alcohols, n.o.s., UN1987. • Denatured alcohol, NA1987. • Ethanol and gasoline mixture, UN3475.
E95 (95% ethanol, 5% gasoline).	• Alcohols, n.o.s., UN1987 • Denatured alcohol, NA1987	• Alcohols, n.o.s., UN1987. • Denatured alcohol, NA1987. • Ethanol and gasoline mixture, UN3475.

B. Marine Pollutants (§§ 171.4 and 172.203)

Marine pollutants are hazardous materials that present an environmental hazard to rivers, lakes, streams, oceans, and other marine habitats. Section 171.4 prohibits the transportation of materials meeting the definition of a marine pollutant except in accordance with HMR requirements. Marine pollutants transported in non-bulk packagings are excepted from HMR requirements, unless the transportation is by vessel.

The International Vessel Operators Hazardous Materials Association, Inc. (VOHMA) petitioned PHMSA (P–1465) to amend the HMR to clarify that the exception for non-bulk packages of marine pollutants transported by motor vehicle, rail car or aircraft does not apply to a marine pollutant ''intended for transport'' aboard a vessel. VOHMA states that the current language suggests the consignor who prepares the shipment and offers it in intermodal transportation has no obligation to declare the marine pollutant on the shipping paper if the initial transport is by motor vehicle or rail. As a result, a shipment intended for transportation by vessel and initially offered into transportation by highway, rail or air may be improperly described on the vessel shipping documents by a freight forwarder.

To address VOHMA's concerns, in the NPRM we proposed to clarify in § 171.4(c) that shipments for which all or part of the transportation is by vessel must conform to applicable HMR requirements, even if the initial transportation is by rail or highway. We also proposed to amend § 172.203(l), which addresses shipping paper requirements for shipments of marine pollutants, to clarify that marine pollutants in non-bulk packagings transported all or in part by vessel must be shown on the shipping paper with the words ''Marine Pollutant'' appearing in association with the basic description.

One commenter [Hsiu] supports the proposed clarification. Another commenter [Shell Chemical] expresses concern regarding our proposed clarification in § 172.203(l). Shell Chemical states that addressing marine pollutants only is not broad enough to address VOHMA's petition. Shell Chemical notes that the proposed amendment for marine pollutants would not address other shipping paper provisions specific to vessel shipments and the IMDG Code, which, while not required for U.S. domestic land transportation, are mandatory for vessel transportation. The commenter notes as an example the requirement for adding the minimum flashpoint to the shipping paper if the flashpoint is less than 60.5°C, which is required in § 172.203(i) for vessel transportation. The commenter also states that shippers who use computer systems may have a problem generating a single shipping description to meet all the requirements for vessel shipments where the initial carriage is by highway and subsequent carriage is by vessel. In this situation, according to Shell Chemical, the computer system normally generates two shipping documents: one for the highway portion of the shipment and another, which is sent to the shipper's port agent, covering the vessel portion and containing the IMDG Code description. To address these issues, Shell Chemical suggests revising only § 172.203(i) to require a shipper who offers a hazardous material by vessel either directly or indirectly to provide the initial carrier or port agent all information necessary for shipment in accordance with the IMDG Code and allow for the IMDG Code information to appear either on the initial carrier's shipping paper or on a separate document. We disagree. The addition of the language proposed by Shell Chemical would require all vessel shipments to conform to the IMDG Code, which is authorized but not required for domestic shipments. Further, because no provision of the HMR prohibits inclusion of additional information in a shipping paper, making express allowance for this in § 172.203(i) would be redundant and unnecessary. Therefore, we are adopting the amendments as proposed.

C. Incorporation by Reference (§ 171.7)

The ''National Technology Transfer and Advancement Act of 1996'' directs agencies to use voluntary consensus standards. According to the Office of Management and Budget (OMB), Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,'' government agencies must use voluntary consensus standards wherever practical in the development of regulations. Agency adoption of industry standards promotes productivity and efficiency in government and industry, expands opportunities for international trade, conserves resources, improves health and safety, and protects the environment.

To these ends, PHMSA actively participates in the development and updating of consensus standards through representation on more than 20 national consensus standards bodies. PHMSA regularly reviews updated consensus standards and considers their merit for inclusion in the HMR. Section 171.7 lists all standards incorporated by reference into the HMR.

In this case, we evaluated the following updated consensus standards pertaining to cargo tanks and compressed gas cylinders and determined that the revised standards provide an enhanced level of safety

without imposing significant compliance burdens. These standards have a well-established and documented safety history; their adoption will maintain the high safety standard currently achieved under the HMR. We received no comments opposing our adoption of the consensus standards and informational materials proposed in the NPRM. Therefore, we are updating, revising, and adding the following reference materials in paragraphs (a)(3) and (b) of § 171.7:

- In response to a Chlorine Institute petition (P–1444), under the entry ''Chlorine Institute,'' we are updating ''Type 1½ JQ 225, Dwg., H51970, Revision D April 5, 1989; or Type 1½ JQ 225, Dwg. H50155, Revision F, April 4, 1989'' to Revisions F and H respectively.
- In response to a Chlorine Institute petition (P–1444), under the entry ''Chlorine Institute,'' we are updating ''Section 3, Pamphlet 57, Emergency Shut-Off Systems for Bulk Transfer of Chlorine, 3rd Edition, October 1997'' to the 4th Edition, October 2003.
- In response to a Chlorine Institute petition (P–1444), under the entry ''Chlorine Institute,'' we are adding a reference to ''Section 3, Pamphlet 166 Angle Valve Guidelines for Chlorine Bulk Transportation, 1st Edition, October 2002.''
- In response to a Chlorine Institute petition (P–1444) and a Midland Manufacturing Corporation petition (P–1448), under the entry ''Chlorine Institute,'' we are adding a reference to ''Typical Manway Arrangement Chlorine Cargo Tank, Dwg. 137–5, November 1996.''
- In response to a Chlorine Institute petition (P–1444), under the entry ''Chlorine Institute,'' we are removing the reference to ''Standards for Housing and Manway Covers for Steel Cargo Tanks, Dwgs. 137–1 and 137–2, September 1, 1982.''
- In response to a Compressed Gas Association (CGA) petition (P–1482), we are updating ''CGA Pamphlet C–5 Cylinder Service Life—Seamless Steel High Pressure Cylinders, 1991'' to the reaffirmed 1995 Edition.
- In response to a CGA petition (P–1472), we are updating ''CGA Pamphlet C–7, A Guide for the Preparation of Precautionary Markings of Compressed Gas Containers, appendix A, issued 1992 (6th Edition)'' to the 2004 (Eighth) Edition. The updated pamphlet allows for hazard class numbers to be placed on subsidiary labels which is prohibited in the 1992 Edition.
- In response to a CGA petition (P–1440), we are authorizing the use of ''S–1.1, Pressure Relief Device Standards—Part 1—Cylinders for Compressed Gases, 2005 (with the exception of paragraph 9.1.1.1), Twelfth Edition'' for DOT specification cylinders and UN pressure receptacles. Consequently, we will be removing references to the Ninth Edition (1996) and Eleventh Edition (2003).
- In response to a CGA petition (P–1440), we are updating ''CGA Pamphlet S–7, Method for Selecting Pressure Relief Devices for Compressed Gas Mixtures in Cylinders, 1996'' to the 2005 Edition.
- We are updating ''ISO 7225, Gas cylinders—Precautionary labels, First Edition, November 1994, (Corrected and reprinted August 1995), (E)'' to the Second Edition, July 2005.

Paragraph (b) of this section contains a list of informational materials not requiring incorporation by reference. These materials are for informational purposes only and are not mandatory requirements. In the NPRM, we proposed to revise paragraph (b) of this section to add a reference to CGA publication, ''C–1.1, Personnel Training and Certification Guidelines for Cylinder Requalification by the Volumetric Expansion, issued 2004 (1st Edition).'' In addition we proposed to add a new paragraph (g)(6) to § 180.205 to indicate that the CGA publication is an example of materials that may be used to train personnel in requalifying cylinders using the volumetric expansion method.

One commenter [Hydro-Test] states that other commercially available guidelines concerning the requalification of cylinders may be overlooked if the CGA publication is specifically referenced in the HMR. We recognize that other satisfactory training materials are available or may be developed. It is not our intention to require the use of a particular set of training materials. Rather, as the rule text makes explicit, the referenced publication is cited only as an example of available training materials.

D. Household Wastes (§§ 171.8, 173.12, and 173.134)

Although the HMR explicitly exempt shipments of ''hazardous waste'' (§ 173.134(b)(13)(i)), the term ''hazardous waste'' is not defined in the rules. In the NPRM, we proposed to include a new definition for ''Household wastes'' to mean ''any solid waste (including garbage, trash, and sanitary waste from septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).'' We also proposed to clarify in § 173.12, which provides packaging exceptions for hazardous waste shipments, that household wastes are not subject to the HMR.

Three commenters [Duncan; Veolia; and RRI] oppose the amendments, suggesting that the proposed definition would allow unregulated transportation of household hazardous wastes to and from household waste collection centers. RRI also asserts the proposed definition could cause confusion because it would except all ''household wastes,'' without regard to hazards, quantities, or commercial or personal generation.

The commenters appear to have misunderstood our intent in proposing a definition for ''household wastes.'' The definition is intended to clarify a long-standing exception from regulation under the HMR for waste materials that are generated from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). Such household wastes typically are picked up at curbside by municipal governments for disposal in accordance with applicable State or local government requirements.

In regard to collection centers, we note that the transportation of consolidated household waste material in a motor vehicle by a government employee, solely for noncommercial government purposes, is not ''commercial'' transportation for purposes of the HMR and, therefore, is not subject to the requirements of the HMR (see § 171.1(d)(5)). However, transportation of a consolidated hazardous waste shipment from a collection center by a commercial motor carrier under contract to a government entity is ''commercial'' transportation for purposes of the HMR and, therefore, is subject to all applicable HMR requirements.

RRI also questions the use of undefined terms within the proposed definition, such as ''solid waste,'' ''sanitary waste,'' ''hotel,'' and ''motel.'' RRI observes that the Environmental Protection Agency (EPA) uses similar terminology, but may define such terms differently, causing confusion regarding the applicability of these terms. We disagree. The term ''solid waste'' is meant to cover those items commonly found in household trash and garbage receptacles; the meaning of the terms ''hotel,'' ''motel,'' and ''sanitary waste'' should be evident from the way these terms are used in the definition. Further, although there are similarities

in terminology between PHMSA's and EPA's requirements, PHMSA's definitions are intended to stand on their own for the purposes of transportation under the HMR.

For the reasons described above, in this final rule, we are adopting the definition and clarifications for ''Household waste'' as proposed in the NPRM.

E. Hazardous Materials Table (HMT; § 172.101)

Section 172.101 contains the HMT and explanations for each of the columns in the HMT. This final rule makes various amendments to the HMT. For the purpose of the Government Printing Office's publication procedures, changes to the HMT appear under three sections of the Table, ''remove,'' ''add,'' and ''revise.''

In the NPRM, we proposed to harmonize certain proper shipping names in the HMR with the Fourteenth revised edition of the UN Recommendations, the 2007–2008 International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and Amendment 33 to the International Maritime Organization Dangerous Goods Code (IMDG Code), and to correct other entries. One commenter [Laude] identified an error in the NPRM: The non-bulk packaging references for the HMT entry ''Radioactive material, Type A package *non-special form, non fissile or fissile excepted,* Class 7, UN2915,'' were incorrect. This error has been corrected in this final rule. We did not receive any comments opposing these proposed changes and are, therefore, adopting the amendments as proposed. In addition we are removing two entries for ''Hydrazine aqueous solution, *with more than 37% hydrazine, by mass,* UN2030.'' A duplicate entry was inadvertently added during the process of amending ''Hydrazine aqueous solution, *with more than 37% hydrazine, by mass,* UN2030'' under docket HM–244, which was published in the **Federal Register** on October 1, 2007 (72 *FR* 52578). Both of these entries contained errors. Therefore, we are removing both entries and adding the correct description for ''Hydrazine aqueous solution, *with more than 37% hydrazine, by mass,* UN2030.''

F. Special Provisions (§ 172.102)

Section 172.102 lists a number of special provisions applicable to the transportation of specific hazardous materials. Special provisions contain packaging provisions, prohibitions, and exceptions applicable to particular quantities or forms of hazardous materials. In the NPRM, we proposed to revise Special Provision B69 to clarify that metal covered hopper cars, covered motor vehicles, portable tanks, and non-specification bins must be sift-proof and weather-resistant and to remove the requirement for bins to be approved by the Associate Administrator. We received no comments on this proposal; therefore, we are adopting it without change in this final rule.

G. Package Marking—RQ (§§ 172.315 and 172.324)

Except for transportation by aircraft, § 172.315 excepts limited quantity shipments of hazardous materials from the requirement for marking the proper shipping name of the material on the package when the identification number of the material is shown within a square-on-point configuration. In the NPRM, we proposed to revise § 172.315 to clarify that if a shipper identifies a limited quantity material which is also a hazardous substance, the shipper is required to mark the letters ''RQ'' on the package in association with the square-on-point configuration containing the identification number of the material.

We received two comments [Hsiu and RRI] supporting the proposed amendment. RRI suggests that, for increased visibility, this provision should be added to § 172.324, which contains the marking requirements for hazardous substances in non-bulk packagings. We agree; therefore, in this final rule, we are revising § 172.324 to add this clarification and adopting the amendment to § 172.315 as proposed.

We also invited comments on whether or not the name of the hazardous substance should also be included along with the letters ''RQ,'' even though the proper shipping name is not required. Hsiu recommends we remove all hazardous substance marking requirements for limited quantity shipments to expedite the movement of international shipments; international regulations do not require ''RQ'' markings. We disagree. It is important to identify packages containing a hazardous substance, regardless of the size of the package. This marking is necessary for emergency responders who respond to incidents involving packages containing hazardous substances and are required to implement EPA mandated procedures tied to the risk associated with reportable quantity amounts. Therefore, we are also revising § 172.324 to incorporate this provision.

H. Placement of Labels (§ 172.406)

Section 172.406 specifies the placement of labels on a package. Paragraph (e) of this section prescribes requirements for the duplicate labeling of packages based on size. Paragraph (e)(1) requires each package or overpack having a volume of 1.8 m^3 (64 cubic feet) or more to be labeled on at least two sides or two ends (other than the bottom of the package). In the NPRM, we proposed to add a new paragraph (e)(6) to clarify that IBCs having a volume of 1.8 m^3 (64 cubic feet) or more are required to be labeled on at least two sides or two ends. We received no comments on this proposal; therefore, we are adopting it without change in this final rule.

I. Small Quantity Exceptions (§ 173.4)

Section 173.4 establishes exceptions for small quantities of hazardous materials. In response to petitions from the Dangerous Goods Advisory Council (DGAC) (P–1454) and Pharmaceutical Research and Manufacturers of America (PhRMA) (P–1457), we proposed in the NPRM to except de minimis quantities (less than 1 gram for solids and less than 1 milliliter for liquids per inner packaging) of PG II and PG III materials of Class 3, Division 4.1, Division 4.2, Division 4.3, Division 5.1, Division 6.1, Class 8, and Class 9 materials. We proposed to require these materials to be transported in a combination packaging, with cushioning and absorbent material that would be capable of sustaining a drop test and a compressive load test.

We received five comments supporting this proposal [RRI, Hsiu, FPL, H&PCLC, and AHS). RRI suggests the performance-based criteria be removed from the packaging requirements in favor of a requirement for a strong, tight packaging in conformance with Part 173, Subpart B. Additionally, RRI suggests amending the gross mass packaging limits by removing the 64 pound gross weight limitation while retaining the net hazardous material mass provisions to allow for more packaging configurations. RRI believes these suggestions would generate more cost savings than the proposed rule. We disagree. The packaging performance standard proposed in the NPRM is consistent with the performance standard currently required for shipments of small quantities under § 173.4 and with the packaging standard recommended in the two petitions for rulemaking we received on this issue. The transportation history of the small quantity exception demonstrates that the packaging standard provides a high

level of safety; moreover, the standard is measurable and enforceable. Therefore, we are adopting the packaging standard proposed in the NPRM.

Hsiu asks whether packaging tests and recordkeeping are mandatory. Packaging tests and recordkeeping are not mandatory. The performance standard proposed in the NPRM and adopted in this final rule is a capability standard. Capability may be demonstrated in a variety of different ways, such as engineering analysis, selective testing of similar packages, or actual testing of each specific design type.

Two commenters request we expand the small quantity exception proposed in the NPRM. Hsiu requests that explosives classed as Division 1.4S be included within the small quantity exception; FPL requests we authorize sample bottles containing up to 2 mL under the small quantity exception. Hsiu's and FPL's requests are beyond the scope of this rulemaking. A petition for rulemaking may be submitted to us in accordance with 49 CFR Part 106, Subpart B.

Therefore, in this final rule, we are adopting a new exception for small quantities—less than 1 gram for solids and less than 1 milliliter for liquids per inner packaging. When packaged for transportation as specified in accordance with the new paragraph (e), these materials are in amounts and forms that do not pose an unreasonable risk to health and safety or property.

J. Agricultural Exceptions (§ 173.5)

Section 173.5 establishes the conditions under which agricultural products such as pesticides and fertilizers are excepted from HMR requirements. In order to utilize the exceptions provided, paragraph (b)(2) specifies limits for the amount of agricultural product that may be transported in a single vehicle. In the NPRM, we proposed to clarify this exception by replacing the term ''vehicle'' with ''motor vehicle.'' We received no comments on this proposal; therefore, we are adopting it without change in this final rule.

K. Hazardous Waste Exceptions (§ 173.12)

Section 173.12 provides packaging exceptions for shipments of hazardous waste materials. In a final rule published on January 24, 2005, under Docket No. RSPA 03–16370 (HM–233; 70 FR 3304), we added a new paragraph (e) to this section to authorize the storage, loading and transportation of waste cyanide and waste cyanide mixtures or solutions with Class 8 acids under certain conditions. In the NPRM, we proposed to revise paragraph (e) to authorize the transportation of waste cyanides and waste cyanide mixtures or solutions with not only Class 8 acids but all acids. We received no comments on this proposal; therefore, we are adopting it without change in this final rule.

L. Shipper Responsibilities (§ 173.22)

Section 173.22 establishes a shipper's responsibility for complying with applicable HMR requirements. In the NPRM, we proposed, in response to a petition from NTTC (P–1469), to amend this section to require shippers who offer certain hazardous materials for transportation to use carriers holding a valid safety permit issued by the Federal Motor Carrier Safety Administration (FMCSA). FMCSA regulations (49 CFR Part 385, Subpart E) require motor carriers transporting certain types and amounts of hazardous materials to apply for a safety permit. To obtain a safety permit, a carrier must have a ''satisfactory'' safety rating and must meet certain other safety and security requirements. The safety permit requirements apply to motor carriers transporting: (1) A highway route-controlled quantity of a Class 7 (radioactive) material; (2) certain high explosives; (3) certain toxic inhalation hazard (TIH) materials; and (4) certain bulk shipments of liquefied methane gas and liquefied natural gas. A carrier may not transport any of the listed materials unless it has a valid safety permit.

We received one comment supporting this proposal [ATA]. We received four comments opposing this proposal [Hsiu, Veolia, Shell Chemical, and NTTC]. Hsiu states that this is against the precedent PHMSA established when it determined that shippers are not responsible for verifying hazardous materials endorsements on commercial driver licenses. Veolia notes that, currently, FMCSA has chosen to limit dispersal of the required information to only State and local law enforcement personnel due to security concerns. Shell notes that the obligation to secure and maintain a safety permit under 49 CFR 385.403 is the motor carrier's and not the shipper's. Shell is concerned that this proposal, if adopted, would establish the wrong precedent, placing shippers in an enforcement role for which they are ill equipped. We also received comments from the petitioner, NTTC, who opposes this amendment due to the lack of a publicly accessible and updated list of carriers who hold current safety permits.

We note that the proposal in the NPRM implements a statutory requirement in 49 U.S.C. 5109(f), which provides that a shipper offering a hazardous material for transportation in commerce may only offer that material to a motor carrier with a safety permit issued in accordance with 49 U.S.C. 5109. We do not agree that by incorporating this statutory provision into the HMR we are placing shippers in an ''enforcement'' role. Rather, we are asking shippers, consistent with statutory requirements, to exercise due diligence and responsible care with respect to selecting motor carriers. Therefore, we are adopting the proposal in this final rule.

In accordance with 49 CFR 385.417, ''a motor carrier must provide the number of its safety permit to a person who offers a [covered hazardous material] for transportation in commerce.'' FMCSA issues each motor carrier a paper copy of its safety permit. A shipper may request the carrier's safety permit number or a copy of its safety permit to verify that it is using a carrier holding a valid safety permit.

M. General Packaging Requirements (§ 173.24)

Section 173.24 establishes general requirements for packagings and packages. Paragraph (g) of this section addresses the venting of packages to reduce internal pressures that may develop by the evolution of gas from the contents during transportation. Currently, this paragraph specifies that a package containing a hazardous material and transported on board an aircraft must not vent. In the NPRM, we proposed to revise paragraph (g)(1) to specify that the venting of packagings containing carbon dioxide, solid (dry ice) would not be prohibited for air transportation. We received no comments opposing this proposed amendment. However, one commenter [UPS] notes that § 173.320(c) refers shippers of refrigerated and cryogenic liquids to ICAO Packing Instruction (PI) 202. ICAO PI 202 applies to Class 2 refrigerated liquefied gases in open and closed cryogenic receptacles authorized for air transportation that require venting. We agree with the commenter that cryogenic liquids as specified in § 173.320(c) should also be referenced in this section. Therefore, in this final rule, we are adopting the proposed amendment and adding a reference to ICAO PI 202.

N. Transportation of Explosives (§§ 173.61, 173.62)

Section 173.61 establishes requirements for transporting Class 1 (explosive) materials in the same outside packaging with other materials that could, under normal conditions of transportation, adversely affect the

explosive or its packaging. Paragraph (c) of this section lists specific explosives that may not be transported in the same outside packaging as other Class 1 materials. In a final rule published May 6, 1997 (HM 215B; 62 FR 24708), we added a new entry to the HMT ''Detonator, assemblies, non-electric *for blasting,*'' UN0500. This entry should have also been added to paragraph (c) to indicate that this material is not authorized to be packed together with other Class 1 explosives. In the NPRM, we proposed to correct this oversight by amending paragraph (c) to include UN 0500 ''Detonator assemblies, non-electric *for blasting.*'' We received no comments on this proposal; therefore, we are adopting it without change in this final rule.

Section 173.62 establishes specific packaging requirements for Class 1 (explosive) materials. The Table of Packing Methods in paragraph (c) specifies the packing instructions assigned to each explosive. In the NPRM, we proposed to revise packing instruction (PI) 134 in the Table of Packing Methods to authorize the use of a specification 4H1 plastic box as an outer packaging for certain explosives. We received no comments on this proposal; therefore, we are adopting it without change in this final rule.

O. Transportation of Dry Ice (§§ 173.217, 175.10, 175.900)

Section 173.217 establishes packaging requirements for dry ice (carbon dioxide, solid). In the NPRM, we proposed to revise this section for clarity and to harmonize the HMR with requirements in the ICAO Technical Instructions applicable to the transportation of dry ice by air. Currently under paragraph (d), the HMR require the shipper to have a specific and special written arrangement with the air carrier to transport more than 441 pounds of dry ice in a single compartment. The ICAO Technical Instructions no longer include this requirement. The United Parcel Service (UPS) petitioned PHMSA (P–1439) to amend this section for consistency with the most recent edition of the ICAO Technical Instructions. We agreed and proposed to revise the current paragraph (d) accordingly. In addition, we proposed to revise paragraph (d) to address air specific provisions such as ventilation safety procedures, net mass marking requirements, and quantity limit exceptions for dry ice used as a refrigerant for non-hazardous materials. Further, we proposed requirements for air carriers who transport dry ice in a proposed new § 175.900.

In the NPRM, we proposed to require shippers to mark the net mass of dry ice contained in the package on the outside of the package. Two commenters [LabCorp and UPS] request clarification regarding the proposed net mass marking requirements. LabCorp states that the NPRM is not clear as to whether the proposed net mass marking requirement specified in § 173.217(c)(1) is in addition to, rather than in place of, the standard requirement in § 172.301 to mark the package with the proper shipping name and UN number. We agree and are revising the language in paragraph (c)(1) to specify that the net mass marking requirement is in addition to the applicable marking requirements in Part 172, Subpart D. We are also adding a statement to clarify that each unit load device (ULD) when used as the packaging for dry ice would be subject to all the applicable marking requirements for dry ice. We are also adding clarification in § 175.900 to specify that if an operator adds dry ice to such a ULD, the net mass marking would need to be revised if the amount of dry ice exceeds the net mass quantity marked on the ULD. UPS also suggests the text should be clarified to specify that the quantity limits in columns (9A) and (9B) of the HMT are not applicable to dry ice that is used as a refrigerant for non-hazardous materials and is loaded in a unit load device or other type of pallet. We agree, and have revised § 173.217(c) accordingly.

UPS also suggests slight revisions to clarify the applicability of the marking requirements for packagings containing less than 5 pounds of dry ice. These proposed revisions would create redundancy and are therefore unnecessary. Accordingly, we are not incorporating these suggested revisions.

The HMR require a shipper to have a specific and special written arrangement with an air carrier to transport more than 441 pounds of dry ice in a single compartment. The ICAO Technical Instructions have been broadened by removing the 441 pound threshold of dry ice in a single compartment and the requirement for a specific and written arrangement with the carrier. In the NPRM, in response to a UPS petition (P–1439), we proposed to incorporate the ICAO Technical Instructions' provisions, which require the shipper of the dry ice and the carrier to make arrangements to ensure that proper ventilation procedures are followed. We received three comments on the proposed revisions [Hsiu, LabCorp, and UPS]. Both Hsiu and LabCorp question the interpretation of the phrase ''arrangements between the shipper and the operator'' and state the carrier requirements specified in Part 175 thoroughly address safety issues. Although we agree that the transportation of hazardous materials by aircraft is adequately addressed in Part 175, the intent of the proposed dry ice requirements is to notify the initial air carrier, through advance shipper-carrier arrangements, of the quantities of dry ice that will be aboard the aircraft. The stowage of dry ice is the responsibility of the aircraft operator and is based on the specific aircraft type, the number of air exchanges per hour in the cargo compartment, the method of packing and stowing, whether animals are carried in the compartment, and other factors. The shipper should provide notification of the amount of dry ice to be shipped to the carrier in advance to afford the carrier the opportunity to take into account these safety factors. To eliminate confusion, we are clarifying that it is the carrier's responsibility to comply with the dry ice transportation provision in § 175.900. Note that the arrangements required under this final rule need not be in writing.

The HMR provide an exception from the shipping paper and certification requirements for dry ice shipments prepared in accordance with applicable requirements, provided the package is marked ''Carbon dioxide, solid'' or ''Dry ice'' and includes an indication that the material being refrigerated is used for diagnostic or treatment purposes. To avoid confusion, we proposed to revise § 173.217(e) to specify that only dry ice actually used to refrigerate materials being shipped for diagnostic or treatment purposes may be transported under this exception. We did not receive any comments opposing this proposed revision; therefore, we are adopting it without change in this final rule.

Section 175.10 establishes exceptions for the transportation of certain hazardous materials by aircraft, including hazardous materials that may be carried by passengers or crew members in checked or carry-on baggage. In the NPRM, we proposed to revise paragraph (a)(10) to harmonize the HMR with the ICAO Technical Instructions applicable to the transportation of dry ice in checked or carry-on baggage by excepting from the HMR shipments of dry ice used to pack perishables in carry-on and checked baggage. In the NPRM, we indicated the net mass requirement would be 2.3 kg (5 pounds). The ICAO Technical Instructions allow 2.5 kg (5.5 pounds). To correct this inconsistency, we are amending the section to read ''2.5 kg (5.5 pounds).'' Likewise, we are amending § 173.217(c) to raise the limit

from 2.3 kg to 2.5 kg for such packages when transported as cargo. Although the ICAO TI does not provide a cargo exception equivalent to that found in § 173.217(c), we believe that establishing a consistent limit for packages transported as cargo and packages transported by passengers or crew members will facilitate the transportation of such packages.

In response to a UPS petition (P–1439) and to harmonize with international standards, we proposed to add a new § 175.900 to incorporate the ICAO Technical Instructions aircraft loading requirements for carbon dioxide, solid (dry ice). The proposed amendment would provide guidelines to the aircraft operator for handling dry ice shipments based on the aircraft type, the aircraft ventilation rates, the method of packing and stowing, the presence of animals on the flight. In addition, the proposed amendment would require the aircraft operator to ensure that the ground staff is informed of the presence of dry ice, and provide the Pilot-in-Command with information to reflect any quantity change of dry ice.

We received one comment [UPS] supporting this proposal. We did not receive any comments opposing the proposed amendment; therefore, we are adopting it without change in this final rule. UPS also suggested including text in either this section or in § 175.33 (Shipping paper and notification of pilot-in-command provisions) to adopt DOT–E 12378, which allows for dry ice loaded on an aircraft to be shown as aggregate mass (in kg) quantity per loading position, rather than a net mass (in kg) quantity per package. Because this additional requirement was not proposed in the NPRM, it is beyond the scope of this rulemaking. However, we agree that there may be some merit in adopting the provision in DOT–E 12378, which allows for dry ice loaded on an aircraft to be shown as an aggregate quantity per loading position, rather than a net quantity per package; we will consider this issue in a future rulemaking.

P. Transportation of Compressed Gas in Cylinders (§§ 173.301, 173.304, 173.306)

Section 173.301 establishes general requirements for the transportation of compressed gases in cylinders and spherical pressure vessels. Paragraph (f) of this section addresses pressure relief devices (PRDs), and paragraph (g) addresses manifolded cylinders in transportation. Paragraphs (f) and (g) require pressure relief devices to conform to the applicable provisions specified in CGA S–1.1 and CGA S–7. In response to a CGA petition (P–1440), we proposed in the NPRM to update the incorporation by reference of CGA publications S–1.1 and S–7. We did not receive any comments opposing this proposed revision; therefore, we are adopting it without change in this final rule. In addition, paragraph (c) is revised to incorporate the updated CGA S–1.1 and CGA S–7 publications specified above.

Section 173.304a specifies additional requirements for shipments of liquefied compressed gases in specification cylinders. Paragraph (e)(1)(ii) is revised to incorporate the updated revision to CGA Pamphlet S–1.1 as specified in the preamble language for § 171.7.

Section 173.306 establishes transportation requirements for limited quantities of compressed gases. We are reprinting paragraphs (i), (j), and (k) to correct the paragraph designations.

Q. Transportation of Gas Generator Assemblies (§ 173.335)

Section 173.335 establishes requirements for the transportation of gas generator assemblies. This entry was initially added in a December 21, 1990 (55 FR 52402; HM–181) rulemaking to harmonize the HMR with various international standards such as the ICAO Technical Instructions, IMDG Code, and UN Recommendations. However, ICAO removed this entry in the 2003–2004 edition of the ICAO Technical Instructions. In the NPRM, we proposed to remove this section in its entirety to harmonize with ICAO. We did not receive any comments opposing this deletion; therefore, we are removing it from the HMR in this final rule.

R. Motor Carrier Segregation Requirements (§ 177.848)

Section 177.848 addresses segregation requirements for hazardous materials transported by motor carrier. Currrently, in paragraph (a)(1), the segregation requirements apply to hazardous materials in packages that are required to be labeled. However, the current requirements do not specify whether these segregation provisions apply to hazardous materials in packages which require placarding. In the NPRM, we proposed to revise paragraph (a)(1) to specify that the segregation requirements for hazardous materials would be applicable to packages that require placarding. We did not receive any comments opposing this amendment; therefore, we are adopting it as proposed.

S. UN Portable Tanks (§ 178.274)

Section 178.274 establishes design and manufacturing requirements for UN portable tanks. Currently, paragraph (b)(1) specifies that the design temperature range for the shell of a UN portable tank must be −40 °C to −50 °C (−40 °F to 122 °F). The temperature range ''−0 °C to −50 °C'' should be specified as ''−40 °C to 50 °C.'' In the NPRM, we proposed to revise paragraph (b)(1) to correct this error. We did not receive any comments opposing this amendment; therefore, we are adopting it as proposed.

T. MC 331 Cargo Tanks (§§ 178.337–9, 178.337–10)

Section 178.337–9 establishes requirements for pressure relief devices, piping, valves, hoses, and fittings on MC 331 specification cargo tanks. Paragraph (b)(8) requires angle valves used on cargo tanks intended for chlorine service to conform to the Chlorine Institute Dwg. 104–8. In response to petitions for rulemaking from the Chlorine Institute (P–1444) and Midland Manufacturing Corporation (P–1448), we proposed, in the NPRM, to revise paragraph (b)(8) to incorporate the Chlorine Institute's ''Section 3, Pamphlet 166 Angle Valve Guidelines for Chlorine Bulk Transportation, 1st Edition,'' dated October 2002, to authorize the use of an alternative angle valve for cargo tanks that transport chlorine. We did not receive any comments opposing this amendment; therefore, we are adopting it as proposed.

Section 178.337–10 establishes accident damage protection requirements for MC 331 specification cargo tanks. The Chlorine Institute petitioned PHMSA (P–1444) to update the references to the Chlorine Institute's drawings 137–1 and 137–2 entitled ''Standards for Housing and Manway Covers for Steel Cargo Tanks,'' dated September 1, 1982, by replacing them with the Chlorine Institute's drawing 137–5 entitled ''Typical Manway Arrangement Chlorine Cargo Tank,'' dated November 1996. In the NPRM, we proposed to revise paragraph (d) to remove the Chlorine Institute's drawings 137–1 and 137–2, and replace them with the Chlorine Institute's updated drawing 137–5. We did not receive any comments opposing this amendment; therefore, we are adopting it as proposed.

U. Office of Hazardous Materials Enforcement Investigator (§ 107.305)

Section 107.305 specifies the authority of the PHMSA Office of Hazardous Materials Enforcement (OHME) to initiate and conduct investigations. This section also details the authority of each OHME inspector in relation to the process of conducting

investigations and inspections. For clarity, we are revising several paragraphs in this section to replace the term ''inspector'' with the term ''investigator.'' This will help reduce confusion since the term ''inspector'' is used in other areas of the HMR with a different meaning.

V. Minor Editorial Correction (§ 172.704)

In § 172.704, at paragraph (a)(2)(ii), a reference to obsolete ''§§ 171.11 and 171.12'' is corrected to read ''§§ 171.22 through 171.25.''

IV. Sunset Provision

In the NPRM, we requested comments on whether certain amendments should be tied to a sunset provision. We received two comments (Hsiu and Shell Chemical) opposing inclusion of a sunset provision. We agree that such a provision is not appropriate for this rulemaking and, accordingly, are not including a sunset provision in this final rule.

V. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This final rule is published under authority of Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 et seq.). Section 5103(b) of Federal hazmat law authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget (OMB). The final rule is not considered a significant rule under the Regulatory Policies and Procedures order issued by the U.S. Department of Transportation (44 FR 11034).

In this final rule, we are amending the HMR to clarify and relax overly burdensome requirements. We are also responding to requests from industry associations, including the Chlorine Institute and Compressed Gas Association, to add references and update standards that are incorporated in the HMR. PHMSA believes the final rule will yield net economic benefits by enhancing the clarity of the HMR, thereby increasing compliance while reducing compliance costs. Further, the creation of an exception to the HMR for small quantities of certain hazardous materials (less than 1 gram for solids and less than 1 milliliter for liquids), and clarification that household wastes are not subject to the HMR, will reduce packaging and compliance costs to the regulated community. This final rule also updates the HMR to incorporate the most recent editions of industry consensus standards. Incorporation by reference of recognized standards and materials reduces the regulatory burden on persons who offer or transport hazardous materials in commerce.

The major implementation cost associated with adoption of this final rule relates to our addition of a new shipping name and UN number for fuel blends composed of ethanol (''ethyl alcohol'') and gasoline in various concentrations. For these materials, we are adding a new entry ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II'' to the HMT. The new shipping name and UN number will help emergency responders utilize the most effective procedures for incidents involving ethanol/gasoline blends.

Ethanol/gasoline blends currently are transported primarily by motor vehicle. Adoption of the new shipping name and ID number will necessitate remarking of cargo tank motor vehicles used to transport ethanol/gasoline fuel blends. Commenters to the NPRM suggested that these costs could amount to $600 per cargo tank for a multi-compartmented vehicle. As discussed in detail above, we believe that commenters have over-stated potential compliance costs associated with remarking cargo tank motor vehicles. However, to minimize the cost of transitioning to the new shipping name and UN number, we are providing a two-year transition period, during which the currently authorized shipping name and UN number for ethanol/gasoline fuel blends may continue to be used. This extended transition period will provide companies with sufficient time to plan for and implement the changes in an orderly and deliberate fashion.

To further offset potential costs, we are allowing for ethanol and gasoline blends with not more than 5 percent petroleum products and described as ''Denatured alcohol'' or ''Alcohols, n.o.s.'' to continue to be marked with the identification number ''1987'' instead of ''3475.'' Thus, shippers and carriers of these ethanol/gasoline blends will incur no compliance costs associated with adoption of this final rule.

We estimate that the costs associated with remarking cargo tanks used to transport ethanol/fuel blends will range from $4 to $15 per cargo tank motor vehicle. There are approximately 30,000 cargo tank motor vehicles used to transport gasoline and related products. Assuming that half of these vehicles will need to be remarked with the UN identification number for ethanol/gasoline blends, the total costs to the affected industry will range from $60,000 (15,000 vehicles x $4) to $225,000 (15,000 vehicles x $15). We believe that these costs will be more than offset by the public safety benefits of more effective and efficient emergency response to transportation incidents involving ethanol/gasoline shipments. As explained above, use of the new name and ID number will facilitate rapid deployment of emergency response measures and materials best suited to these incidents.

C. Executive Order 13132

This final rule was analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This final rule preempts State, local and Indian tribe requirements but does not implement any regulation that has substantial direct effects 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. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazmat law (49 U.S.C. 5125(b)) expressly preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) The designation, description, and classification of hazardous materials;

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(iii) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, content, and placement of those documents;

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(v) The design, manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a packaging or container which is represented, marked, certified, or sold as qualified for use in the transport of hazardous materials.

This final rule concerns the classification, packaging, marking, labeling, and handling of hazardous materials, among other covered subjects. This final rule preempts any State, local,

or Indian tribe requirements concerning these subjects unless the non-Federal requirements are ''substantively the same'' (see 49 CFR 107.202(d)) as the Federal requirements.

Federal hazmat law provides that if PHMSA issues a regulation concerning any of the covered subjects, PHMSA must determine and publish in the **Federal Register** the effective date of Federal preemption (49 U.S.C. 5125(b)(2)). That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. The effective date of Federal preemption is 90 days from publication of this final rule.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this rule does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not preempt tribal law, the funding and consultation requirements of Executive Order 13175 do not apply, and a tribal summary impact statement is not required.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities. An agency must conduct a regulatory flexibility analysis unless it determines and certifies that a rule is not expected to have a significant impact on a substantial number of small entities. This final rule amends provisions in the HMR based on petitions for rulemaking and PHMSA initiatives. These amendments are intended to update, clarify or provide relief from certain regulatory requirements. While maintaining safety, it relaxes certain requirements that are overly burdensome and updates references to consensus standards that are incorporated in the HMR. The changes are generally intended to provide relief to shippers, carriers, and packaging manufacturers, including small entities. The major implementation cost associated with adoption of this final rule relates to our addition of a new shipping name and UN number for fuel blends composed of ethanol (''ethyl alcohol'') and gasoline in various concentrations. For these materials, we are adding a new entry ''Ethanol and gasoline mixture *or* Ethanol and motor spirit *or* Ethanol and petrol mixture, *with more than 10% ethanol,* 3, UN3475, II'' to the HMT. The new shipping name and UN number will help emergency responders utilize the most effective procedures for incidents involving ethanol/gasoline blends.

Ethanol/gasoline blends currently are transported primarily by motor vehicle. Adoption of the new shipping name and ID number will necessitate remarking of cargo tank motor vehicles used to transport ethanol/gasoline fuel blends. Commenters to the NPRM suggested that these costs could amount to $600 per cargo tank for a multi-compartmented vehicle. As discussed in detail above, we believe that commenters have over-stated potential compliance costs associated with remarking cargo tank motor vehicles. However, to minimize the cost of transitioning to the new shipping name and UN number, we are providing a two-year transition period, during which the currently authorized shipping name and UN number for ethanol/gasoline fuel blends may continue to be used. This extended transition period will provide companies with sufficient time to plan for and implement the changes in an orderly and deliberate fashion.

To further offset potential costs, we are allowing for ethanol and gasoline blends with not more than 5 percent petroleum products and described as ''Denatured alcohol'' or ''Alcohols, n.o.s.'' to continue to be marked with the identification number ''1987'' instead of ''3475.'' Thus, shippers and carriers of these ethanol/gasoline blends will incur no compliance costs associated with adoption of this final rule.

We estimate that the costs associated with remarking cargo tanks used to transport ethanol/fuel blends will range from $4 to $15 per cargo tank motor vehicle. There are approximately 30,000 cargo tank motor vehicles used to transport gasoline and related products. Assuming that half of these vehicles will need to be remarked with the UN identification number for ethanol/gasoline blends, the total costs to the industry associated with this provision of the final rule will range from $60,000 (15,000 vehicles × $4) to $225,000 (15,000 vehicles × $15). We believe that these costs will be more than offset by the emergency response benefits that will result from adoption of the new shipping name and UN number. As indicated above, the new name and ID number will help emergency responders utilize the most effective response procedures for incidents involving ethanol/gasoline blends. More effective emergency response techniques reduce the time required to handle an incident and, thus, the costs associated with the incident.

This final rule has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of rules on small entities are properly considered.

F. Paperwork Reduction Act

This proposed rule does not impose any new information collection requirements.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. §§ 1532–1538). It does not result in costs of $120.7 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 rule.

I. Environmental Assessment

The National Environmental Policy Act (42 U.S.C. §§ 4321–4375) requires that Federal agencies analyze proposed actions to determine whether the action will have a significant impact on the human environment. The Counsel on Environmental Quality (CEQ) regulations order Federal agencies to conduct an environmental review considering (1) the need for the proposed action (2) alternatives to the proposed action (3) probable environmental impacts of the proposed action and alternatives and (4) the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b).

1. Purpose and Need

PHMSA is making miscellaneous amendments to the HMR based on petitions for rulemaking and PHMSA's own initiatives. The amendments are intended to update, clarify, or provide

relief from certain existing regulatory requirements to promote safer transportation practices; eliminate unnecessary regulatory requirements; resolve outstanding petitions for rulemaking; facilitate international commerce; and make these requirements easier to understand.

2. Alternatives

In developing this proposed rule, we considered two alternatives:

(1) Do nothing.

(2) Propose revisions to the HMR based on petitions for rulemaking and PHMSA initiatives.

Alternative 1

Because our goal is to facilitate uniformity, compliance, commerce and safety in the transportation of hazardous materials, we rejected this alternative.

Alternative 2

Many of the industry standards currently incorporated by reference have been revised and updated to incorporate new technology and methodology. Proposed changes would relax requirements in certain instances while still ensuring safety, clarify regulatory requirements, and make the regulatory provisions more consistent—all in furtherance of the safe transportation of hazardous materials in commerce.

3. Analysis of Environmental Impacts

Hazardous materials are transported by aircraft, vessel, rail, and highway. The potential for environmental damage or contamination exists when packages of hazardous materials are involved in accidents or en route incidents resulting from cargo shifts, valve failures, package failures, or loading, unloading, or handling problems. The ecosystems that could be affected by a release include air, water, soil, and ecological resources (for example, wildlife habitats). The adverse environmental impacts associated with releases of most hazardous materials are short-term impacts that can be greatly reduced or eliminated through prompt clean up of the accident scene. Most hazardous materials are not transported in quantities sufficient to cause significant, long-term environmental damage if they are released.

The hazardous material regulatory system is a risk management system that is prevention-oriented and focused on identifying a hazard and reducing the probability and quantity of a hazardous material release. Making the regulatory provisions in the HMR clearer and more consistent with international transportation and industry standards will promote compliance and thereby enhance the safe transportation of hazardous materials and the protection of the environment. Updating the references to industry standards enhances safety an environmental protection by recognizing the use of new technologies. Our proposal to relax certain regulatory requirements is based on PHMSA's experience, review, and determination that the changes are consistent with safety. Neither the ''do nothing'' alternative nor the action alternative would result in any significant impacts on the environment.

4. Consultations and Public Comment

Various modal agencies, including FAA, FMCSA, FRA, and the USCG were consulted and participated in the notice and comment process. A listing of the commenters is specified in the **SUPPLEMENTARY INFORMATION** section under ''Background.'' No commenters addressed the potential environmental impacts of the proposals in the NPRM.

5. Decision about the Degree of Environmental Impact

PHMSA finds that the selected alternative will not have a significant impact on the human environment.

J. Privacy Act.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://dms.dot.gov.*

List of Subjects

49 CFR Part 107

Hazardous material programs, Registration, Approvals, Enforcement.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by Reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by Reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Hazardous materials transportation, Air carriers, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Incorporation by reference, Motor carriers, Segregation requirements, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Incorporation by reference, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, we are amending 49 CFR Chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001; 49 CFR 1.45, 1.53.

■ 2. In § 107.305, paragraph (b) is revised to read as follows:

§ 107.305 Investigations.

* * * * *

(b) *Investigations and Inspections.* Investigations under 49 U.S.C. 5121(a) are conducted by personnel duly authorized for that purpose by the Associate Administrator. Inspections under 49 U.S.C. 5121(c) are conducted by Hazardous Materials Enforcement Specialists or Hazardous Materials Compliance Investigators, also known as ''hazmat investigators'' or ''investigators,'' whom the Associate Administrator has designated for that purpose.

(1) An investigator will, on request, present his or her credentials for examination, but the credentials may not be reproduced.

(2) An investigator may administer oaths and receive affirmations in any matter under investigation by the Associate Administrator.

(3) An investigator may gather information by reasonable means including, but not limited to, interviews, statements, photocopying, photography, and video- and audio-recording.

(4) With concurrence of the Director, Office of Hazardous Materials Enforcement, Pipeline and Hazardous Materials Safety Administration, an investigator may issue a subpoena for the production of documentary or other tangible evidence if, on the basis of information available to the investigator, the documents and evidence materially will advance a determination of compliance with this subchapter or subchapter C. Service of a subpoena shall be in accordance with § 105.50. A person to whom a subpoena is directed may seek review of the subpoena by applying to the Office of Chief Counsel in accordance with § 105.55(a). A subpoena issued under this paragraph may be enforced in accordance with § 105.55(b).

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 3. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001.

■ 4. In § 171.4, paragraph (c) is revised to read as follows:

§ 171.4 Marine Pollutants.

* * * * *

(c) *Exceptions.* Except when all or part of the transportation is by vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicle, rail car or aircraft.

■ 5. In § 171.7, in the paragraph (a)(3) table, the following amendments are made:

a. Under the entry ''Chlorine Institute, Inc.,'' the entry ''Type 1½ JQ 225, Dwg., H51970, Revision D April 5, 1989; or Type 1½ JQ 225, Dwg. H50155, Revision F, April 4, 1989'' is revised;

b. Under the entry ''Chlorine Institute, Inc.,'' the entry ''Section 3, Pamphlet 57, Emergency Shut-Off Systems for Bulk Transfer of Chlorine, 3rd Edition, October 1997'' is revised;

c. Under the entry ''Chlorine Institute, Inc.,'' the entry ''Section 3, Pamphlet 166 Angle Valve Guidelines for Chlorine Bulk Transportation, 1st Edition, October 2002'' is added;

d. Under the entry ''Chlorine Institute, Inc.,'' the entry ''Typical Manway Arrangement Chlorine Cargo Tank, Dwg. 137–5, November 1996'' is added;

e. Under the entry ''Chlorine Institute, Inc.,'' the entry ''Standards for Housing and Manway Covers for Steel Cargo Tanks, Dwgs. 137–1 and 137–2, September 1, 1982'' is removed;

f. Under the entry ''Compressed Gas Association, Inc.,'' the entry ''CGA Pamphlet C–5 Cylinder Service Life—Seamless Steel High Pressure Cylinders, 1991'' is revised;

g. Under the entry ''Compressed Gas Association, Inc.,'' the entry ''CGA Pamphlet C–7, A Guide for the Preparation of Precautionary Markings of Compressed Gas Containers, appendix A, issued 1992 (6th Edition)'' is revised;

h. Under the entry ''Compressed Gas Association, Inc.,'' the entry ''CGA Pamphlet S–1.1, Pressure Relief Device Standards—Part 1—Cylinders for Compressed Gases, 2001 (with the exception of paragraph 9.1.1.1), Ninth Edition'' is removed;

i. Under the entry ''Compressed Gas Association, Inc.,'' the entry ''CGA Pamphlet S–1.1, Pressure Relief Device Standards—Part 1—Cylinders for Compressed Gases, 2003 (with the exception of paragraph 9.1.1.1), Eleventh Edition'' is removed;

j. Under the entry ''Compressed Gas Association, Inc.,'' the entry ''CGA S–1.1, Pressure Relief Device Standards—Part 1—Cylinders for Compressed Gases, 2005 (with the exception of paragraph 9.1.1.1), Twelfth Edition'' is added;

k. Under the entry ''Compressed Gas Association, Inc.,'' the entry ''CGA Pamphlet S–7, Method for Selecting Pressure Relief Devices for Compressed Gas Mixtures in Cylinders, 1996'' is revised;

l. Under the entry ''International Organization for Standardization,'' the entry ''ISO 7225, Gas cylinders—Precautionary labels, First Edition, November 1994, (Corrected and reprinted August 1995), (E)'' is revised; and

m. In paragraph (b), a new entry ''Compressed Gas Association, Inc.,'' 4221 Walney Road, 5th Floor, Chantilly, Virginia 20151, ''C–1.1—Personnel Training and Certification Guidelines for Cylinder Requalification By the Volumetric Expansion, issued 2004 (1st Edition)'' is added in alphabetical order.

The revisions and additions read as follows:

§ 171.7 Reference material.

(a) * * *

(3) *Table of material incorporated by reference.* * * *

Source and name of material	49 CFR reference
* * * * * * *	
Chlorine Institute, Inc.	
* * * * * * *	
Type 1½ JQ 225, Dwg., H51970, Revision F, November 1996; or Type 1½ JQ 225, Dwg. H50155, Revision H, November 1996	173.315
Section 3, Pamphlet 57, Emergency Shut-Off Systems for Bulk Transfer of Chlorine, Edition 4, October 2003	177.840
Section 3, Pamphlet 166, Angle Valve Guidelines for Chlorine Bulk Transportation, 1st Edition, October 2002	178.337–9
* * * * * * *	
Typical Manway Arrangement Chlorine Cargo Tank, Dwg 137–5, November 1996	178.337–10

Source and name of material	49 CFR reference
* * * * * * *	
Compressed Gas Association, Inc.	
* * * * * * *	
CGA C–5, Cylinder Service Life—Seamless Steel High Pressure Cylinders, 1991 (reaffirmed 1995)	173.302a
* * * * * * *	
CGA C–7, Guide to Preparation of Precautionary Labeling and Marking of Compressed Gas Containers, Appendix A, issued 2004 (8th Edition)	172.400a
* * * * * * *	
CGA S–1.1, Pressure Relief Device Standards—Part 1—Cylinders for Compressed Gases, 2005 (with the exception of paragraph 9.1.1.1), Twelfth Edition	173.301, 173.304a 178.75
* * * * * * *	
CGA S–7, Method for Selecting Pressure Relief Devices for Compressed Gas Mixtures in Cylinders, 2005	173.301
* * * * * * *	
International Organization for Standardization	
* * * * * * *	
ISO 7225, Gas cylinders—Precautionary labels, Second Edition, July 2005, (E)	178.71
* * * * * * *	

(b) *List of informational materials not requiring incorporation by reference.* * * *

Source and name of material	49 CFR reference
* * * * * * *	
Compressed Gas Association, Inc., 4221 Walney Road, 5th Floor, Chantilly, Virginia 20151	
CGA C–1.1, Personnel Training and Certification Guidelines for Cylinder Requalification By the Volumetric Expansion Method, 2004, First Edition	180.209
* * * * * * *	

■ 6. In § 171.8, a new definition for ''Household waste'' is added in alphabetical order to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Household waste means any solid waste (including garbage, trash, and sanitary waste from septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). This term is not applicable to consolidated shipments of household hazardous materials transported from collection centers. A collection center is a central location where household waste is collected.

* * * * *

■ 7. In § 171.14, a new paragraph (h) is added to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(h) The proper shipping name ''Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol*'' in effect on January 28, 2008, may continue to be used until October 1, 2010.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 8. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53.

■ 9. In § 172.101, the Hazardous Materials Table is amended by removing, adding and revising, in the appropriate alphabetical sequence, the following entries to read as follows:

§ 172.101.—HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE:]												
		*		*	*	*	*		*	*			
	Gas generator assemblies (aircraft), *containing a non-flammable non-toxic gas and a propellant cartridge.*	2.2			2.2		None	335	None	75 kg	150 kg	A.	
		*		*	*	*	*		*	*			
D	Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol.*	3	NA1203	II	3	144	150	202	242	5 L	60	E.	
	Gasoline	3	UN1203	II	3	144, B1, B33, T8.	150	202	242	5 L	60 L	E.	
		*		*	*	*	*		*	*			
	Hydrazine, aqueous solution, *with more than 37% hydrazine, by mass.*	8	UN2030	I	8, 6.1	B16, B53, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40, 52
				II	8, 6.1	B16, B53, IB2, T7, TP2, TP13.	None	202	243	Forbidden	30 L	D	40, 52
				III	8, 6.1	B16, B53, IB3, T4, TP2.	154	203	241	5 L	60 L	D	40, 52
		*		*	*	*	*		*	*			
	Hydrazine aqueous solution, *with more than 37% hydrazine, by mass.*	8	UN2030	I	8, 6.1	151, B16, B53, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40
				II	8, 6.1	B16, B53, IB2, T7, TP2, TP13.	None	202	243	Forbidden	30 L	D	40
				III	8, 6.1	B16, B53, IB3, T4, TP1.	154	203	241	5 L	60 L	D	40
		*		*	*	*	*		*	*			
	[ADD:]												

	*			*		*	*		*		*			
	Ethanol and gasoline mixture *or* Ethanol and motor spirit mixture *or* Ethanol and petrol mixture, *with more than 10% ethanol.*	3	UN3475	II	3	144, 177, IB2, T4, TP1.	150	202	242	5 L	60 L	E.		
	*			*		*	*		*		*			
D	Gasohol *gasoline mixed with ethyl alcohol, with not more than 10% alcohol.*	3	NA1203	II	3	144	150	202	242	5 L	60 L	E.		
	Gasoline *includes gasoline mixed with ethyl alcohol, with not more than 10% alcohol.*	3	UN1203	II	3	144, B1, B33, T8.	50	202	242	5 L	60 L	E.		
	*			*		*	*		*		*			
	Hydrazine aqueous solution, *with more than 37% hydrazine, by mass.*	8	UN2030	I	8, 6.1	B16, B53, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40, 52	
				II	8, 6.1	B16, B53, IB2, T7, TP2, TP13.	None	202	243	Forbidden	30 L	D	40, 52	
				III	8, 6.1	B16, B53, IB3, T4, TP1.	154	203	241	5 L	60 L	D	40, 52	
	*			*		*	*		*		*			
	Polyamines, flammable, corrosive, n.o.s. *see* Amines, flammable, corrosive, n.o.s.													
	Polyamines, liquid, corrosive, n.o.s. *see* Amines, liquid, corrosive, n.o.s.													
	Polyamines, liquid, corrosive, flammable, n.o.s. *see* Amines, liquid, corrosive, flammable, n.o.s.													
	*			*		*	*		*		*			
	[REVISE:]													
	*			*		*	*		*		*			
	Radioactive material, Type A package *non-special form, non fissile or fissile-excepted.*	7	UN2915		7	A56, W7, W8.	None	415, 418, 419.	415, 418, 419.			A	95, 130	
	*			*		*	*		*		*			
A	Sodium aluminate, solid.	8	UN2812	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A.		
	*			*		*	*		*		*			

* * * * *

■ 10. In § 172.102, in paragraph (c)(1), Special provision 177 is added and in paragraph (c)(3), Special provision B69 is revised to read as follows.

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

177 Ethanol and gasoline mixtures for use in spark-ignition engines (e.g., in automobiles, stationary engines and other engines) must be assigned to this entry regardless of variations in volatility.

* * * * *

(3) * * *

Code/Special Provisions

* * * * *

B69 Dry sodium cyanide or potassium cyanide may be shipped in the following sift-proof and weather-resistant packagings: metal covered hopper cars, covered motor vehicles, portable tanks, or non-specification bins.

* * * * *

■ 11. In § 172.203, paragraph (l)(4) is revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(l) * * *

(4) Except when all or part of transportation is by vessel, marine pollutants in non-bulk packagings are not subject to the requirements of paragraphs (l)(1) and (l)(2) of this section (see § 171.4 of this subchapter).

* * * * *

■ 12. In § 172.315, a new paragraph (c) is added as follows:

§ 172.315 Packages containing limited quantities.

* * * * *

(c) As applicable, the letters ''RQ'' must be marked in association with the square-on-point border containing the identification (ID) number.

■ 13. Section 172.324, is revised to read as follows:

§ 172.324 Hazardous substances in non-bulk packagings.

For each non-bulk package that contains a hazardous substance—

(a) Except for packages of radioactive material labeled in accordance with § 172.403, if the proper shipping name of a material that is a hazardous substance does not identify the hazardous substance by name, or if the package contains a limited quantity marked in accordance with § 172.315, the name of the hazardous substance must be marked on the package, in parentheses, in association with the proper shipping name or the identification number as applicable. If the material contains two or more hazardous substances, at least two hazardous substances, including the two with the lowest reportable quantities (RQs), must be identified. For a hazardous waste, the waste code (e.g., D001), if appropriate, may be used to identify the hazardous substance.

(b) The letters ''RQ'' must be marked on the package in association with the proper shipping name or the identification number displayed in accordance with § 172.315.

■ 14. In § 172.336, paragraph (c)(4) is revised, paragraph (c)(6) is redesignated as paragraph (c)(7) and a new paragraph (c)(6) is added to read as follows:

§ 172.336 Identification numbers; special provisions.

* * * * *

(c) * * *

(4) For each of the different liquid petroleum distillate fuels, including gasoline and gasohol, in a compartmented cargo tank or tank car, if the identification number is displayed for the distillate fuel having the lowest flash point. After October 1, 2010, if a compartmented cargo tank or tank car contains such fuels together with a gasoline and alcohol fuel blend containing more than ten percent ethanol, the identification number ''3475'' or ''1987'' must also be displayed as appropriate in addition to the identification number for the liquid petroleum distillate fuel having the lowest flash point.

* * * * *

(6) For each of the different liquid petroleum distillate fuels, including gasoline and gasohol, transported in a cargo tank, if the identification number is displayed for the liquid petroleum distillate fuel having the lowest flash point. After October 1, 2010, if a cargo tank is used to transport a gasoline and alcohol fuel blend containing more than ten percent ethanol, the identification number ''3475'' must also be displayed in addition to the identification number for the liquid petroleum distillate fuel having the lowest flash point.

* * * * *

■ 15. In § 172.400a, paragraph (a)(1)(ii) is revised to read as follows:

§ 172.400a Exceptions from labeling.

(a) * * *

(1) * * *

(ii) Durably and legibly marked in accordance with CGA C–7, Appendix A (IBR; see § 171.7 of this subchapter).

* * * * *

■ 16. In § 172.406, paragraphs (e)(4) and (e)(5) are revised and a new paragraph (e)(6) is added to read as follows:

§ 172.406 Placement of labels.

* * * * *

(e) * * *

(4) Each portable tank of less than 3,785 L (1000 gallons) capacity;

(5) Each freight container or aircraft unit load device having a volume of 1.8 m^3 (64 cubic feet) or more, but less than 18 m^3 (640 cubic feet). One of each required label must be displayed on or near the closure; and

(6) An IBC having a volume of 1.8 m^3 (64 cubic feet) or more.

* * * * *

§ 172.704 [Amended]

■ 17. In § 172.704, in paragraph (a)(2)(ii), the wording ''§§ 171.11 and 171.12 of this subchapter'' is correctly revised to read ''§§ 171.22 through 171.25 of this subchapter''.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 18. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53.

■ 19. In § 173.4, a new paragraph (e) is added to read as follows:

§ 173.4 Small quantity exceptions.

* * * * *

(e) Packing Group II and III materials in Class 3, Division 4.1, Division 4.2, Division 4.3, Division 5.1, Division 6.1, Class 8, and Class 9 do not meet the definition of a hazardous material in § 171.8 of this subchapter when packaged in accordance with this paragraph (e) and, therefore, are not subject to the requirements of this subchapter.

(1) The maximum quantity of material per inner receptacle or article is limited to—

(i) One (1) mL (0.03 ounce) for authorized liquids; and

(ii) One (1) g (0.04 ounce) for authorized solid materials;

(2) Each inner receptacle with a removable closure has its closure held securely in place with wire, tape, or other positive means;

(3) Unless equivalent cushioning and absorbent material surrounds the inside packaging, each inner receptacle is securely packed in an inside packaging

with cushioning and absorbent material that:

(i) Will not react chemically with the material, and

(ii) Is capable of absorbing the entire contents (if a liquid) of the receptacle;

(4) The inside packaging is securely packed in a strong outside packaging;

(5) The completed package is capable of sustaining—

(i) Each of the following free drops made from a height of 1.8 m (5.9 feet) directly onto a solid unyielding surface without breakage or leakage from any inner receptacle and without a substantial reduction in the effectiveness of the package:

(A) One drop flat on bottom;

(B) One drop flat on top;

(C) One drop flat on the long side;

(D) One drop flat on the short side; and

(E) One drop on a corner at the junction of three intersecting edges; and

(ii) A compressive load as specified in § 178.606(c) of this subchapter.Each of the tests in this paragraph (e)(5) may be performed on a different but identical package; that is, all tests need not be performed on the same package.

(6) Placement of the material in the package or packing different materials in the package does not result in a violation of § 173.21;

(7) The aggregate quantity of hazardous material per package does not exceed 100 g (0.22 pounds) for solids or 100 mL (3.38 ounces) for liquids;

(8) The gross mass of the completed package does not exceed 29 kg (64 pounds);

(9) The package is not opened or otherwise altered until it is no longer in commerce; and

(10) For transportation by aircraft:

(i) The hazardous material is authorized to be carried aboard passenger-carrying aircraft in Column 9A of the § 172.101 Hazardous Materials Table;

(ii) The hazardous material may not be carried in checked or carry-on baggage.

■ 20. In § 173.5, paragraph (b)(2) is revised to read as follows:

§ 173.5 Agricultural operations.

* * * * *

(b) * * *

(2) The total amount of agricultural product being transported on a single motor vehicle does not exceed:

(i) 7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or

(ii) 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product;

* * * * *

■ 21. In § 173.12, paragraph (e)(1)(ii) is revised and a new paragraph (f) added to read as follows:

§ 173.12 Exceptions for shipment of waste materials.

* * * * *

(e) * * *

(1) * * *

(ii) The acids must be packaged in lab packs in accordance with paragraph (b) of this section or in authorized single packagings not exceeding 208 L (55 gallons) capacity;

* * * * *

(f) *Household waste.* Household waste, as defined in § 171.8 of this subchapter, is not subject to the requirements of this subchapter.

■ 22. In § 173.22, paragraph (b) is added to read as follows:

§ 173.22 Shipper's responsibility.

* * * * *

(b) No person may offer a motor carrier any hazardous material specified in 49 CFR 385.403 unless that motor carrier holds a safety permit issued by the Federal Motor Carrier Safety Administration.

* * * * *

■ *COM048*23. In § 173.24, paragraph (g)(1) is revised to read as follows:

§ 173.24 General requirements for packagings and packages.

* * * * *

(g) * * *

(1) Except for shipments of cryogenic liquids as specified in § 173.320(c) and of carbon dioxide, solid (dry ice), transportation by aircraft is not involved;

* * * * *

■ 24. In § 173.61, paragraph (c) is revised to read as follows:

§ 173.61 Mixed packaging requirements.

* * * * *

(c) The following explosives may not be packed together with other Class 1 explosives: UN 0029, UN 0030, UN 0073, UN 0106, UN 0107, UN 0255, UN 0257, UN 0267, UN 0350, UN 0360, UN 0361, UN 0364, UN 0365, UN 0366, UN 0367, UN 0408, UN 0409, UN 0410, UN 0455, UN 0456, and UN 0500. These explosives may be mix-packed with each other in accordance with the compatibility requirements prescribed in paragraph (e) of this section.

* * * * *

■ 25. In § 173.62, in paragraph (c), the ''Table of Packing Methods,'' the entry for packing instruction 134 is revised to read as follows:

§ 173.62 Specific packaging requirements for explosives.

* * * * *

(c) * * *

TABLE OF PACKING METHODS

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
* *	* *	*	* *
134	Bag water resistant Receptacles fibreboard metal plastics wood Sheets fibreboard, corrugated Tubes fibreboard	Not necessary	Boxes steel (4A). aluminium (4B). wood, natural, ordinary (4C1). wood, natural, sift proof walls (4C2). plywood (4D). reconstituted wood (4F). fibreboard (4G). plastics, expanded (4H1). plastics, solid (4H2). Drums fibreboard (1G). plastics, removable head (1H2). steel, removable head (1A2). aluminium, removable head (1B2).

TABLE OF PACKING METHODS—Continued

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
			Plywood (1D).
* *	* *	*	* *

* * * * *

■ 26. In § 173.134, paragraph (b)(13)(i) is revised to read as follows:

§ 173.134 Class 6, Division 6.2-Definitions and exceptions.

* * * * *

(b) * * *

(13) * * *

(i) Household waste as defined in § 171.8;

* * * * *

■ 27. Section 173.217 is revised to read as follows:

§ 173.217 Carbon dioxide, solid (dry ice).

(a) Carbon dioxide, solid (dry ice), when offered for transportation or transported by aircraft or water, must be packed in packagings designed and constructed to permit the release of carbon dioxide gas to prevent a buildup of pressure that could rupture the packagings. Packagings must conform to the general packaging requirements of subpart B of this part but need not conform to the requirements of part 178 of this subchapter.

(b) For transportation by vessel:

(1) Each transport vehicle and freight container containing solid carbon dioxide must be conspicuously marked on two sides ''WARNING CO_2 SOLID (DRY ICE).''

(2) Other packagings containing solid carbon dioxide must be marked ''CARBON DIOXIDE, SOLID—DO NOT STOW BELOW DECKS.''

(c) For transportation by aircraft:

(1) In addition to the applicable marking requirements in subpart D of part 172, the net mass of the carbon dioxide, solid (dry ice) must be marked on the outside of the package. This provision also applies to unit load devices (ULDs) when the ULD contains dry ice and is considered the packaging.

(2) The shipper must make arrangements with the operator for each shipment.

(3) The quantity limits per package shown in Columns (9A) and (9B) of the Hazardous Materials Table in § 172.101 are not applicable to dry ice being used as a refrigerant for other than hazardous materials loaded in a unit load device or other type of pallet. In such a case, the unit load device or other type of pallet must allow the venting of the carbon dioxide gas to prevent a dangerous build up of pressure, and be identified to the operator.

(4) Dry ice is excepted from the shipping paper requirements of subpart C of part 172 of this subchapter provided alternative written documentation is supplied containing the following information: proper shipping name (Dry ice or Carbon dioxide, solid), class 9, UN number 1845, the number of packages, and the net quantity of dry ice in each package. The information must be included with the description of the materials.

(5) Carbon dioxide, solid (dry ice), in quantities not exceeding 2.5 kg (5.5 pounds) per package and used as a refrigerant for the contents of the package is excepted from all other requirements of this subchapter if the requirements of paragraph (a) of this section are complied with and the package is marked ''Carbon dioxide, solid'' or ''Dry ice'', is marked with the name of the contents being cooled, and is marked with the net weight of the dry ice or an indication that the net weight is 2.5 kg (5.5 pounds) or less.

(d) Carbon dioxide, solid (dry ice), when used to refrigerate materials being shipped for diagnostic or treatment purposes (*e.g.*, frozen medical specimens), is excepted from the shipping paper and certification requirements of this subchapter if the requirements of paragraphs (a) and (c)(2) of this section are met and the package is marked ''Carbon dioxide, solid'' or ''Dry ice'' and is marked with an indication that the material being refrigerated is being transported for diagnostic or treatment purposes.

■ 28. In § 173.301, paragraphs (c), (f)(1) and (g)(1) are revised to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders and spherical pressure vessels.

* * * * *

(c) *Toxic gases and mixtures.* Cylinders containing toxic gases and toxic gas mixtures meeting the criteria of Division 2.3 Hazard Zone A or B must conform to the requirements of § 173.40 and CGA S–1.1 (compliance with paragraph 9.1.1.1 is not required) (IBR; see § 171.7 of this subchapter) and CGA S–7 (IBR; see § 171.7 of this subchapter). A DOT 39 cylinder, UN non-refillable cylinder, or a UN composite cylinder certified to ISO–11119–3 may not be used for a toxic gas or toxic gas mixture meeting the criteria for Division 2.3, Hazard Zone A or B.

* * * * *

(f) * * *

(1) Except as provided in paragraphs (f)(5), (f)(6), and (l)(2) of this section, a cylinder filled with a gas and offered for transportation must be equipped with one or more pressure relief devices sized and selected as to type, location, and quantity, and tested in accordance with CGA S–1.1 (compliance with paragraph 9.1.1.1 is not required) and CGA S–7. The pressure relief device must be capable of preventing rupture of the normally filled cylinder when subjected to a fire test conducted in accordance with CGA C–14 (IBR, see § 171.7 of this subchapter), or, in the case of an acetylene cylinder, CGA C–12 (IBR, see § 171.7 of this subchapter).

* * * * *

(g) * * *

(1) Cylinder manifolding is authorized only under conditions prescribed in this paragraph (g). Manifolded cylinders must be supported and held together as a unit by structurally adequate means. Except for Division 2.2 materials, each cylinder must be equipped with an individual shutoff valve that must be tightly closed while in transit. Manifold branch lines must be sufficiently flexible to prevent damage to the valves that otherwise might result from the use of rigid branch lines. Each cylinder must be individually equipped with a pressure relief device as required in paragraph (f) of this section, except that pressure relief devices on manifolded horizontal cylinders that are mounted on a motor vehicle or framework may be selected as to type, location, and quantity according to the lowest marked pressure limit of an individual cylinder in the manifolded unit. The pressure relief devices selected for the manifolded unit must have been tested in accordance with CGA S–1.1 and CGA S–7. Pressure relief devices on manifolded horizontal cylinders filled with a compressed gas must be arranged to discharge unobstructed to the open air. In addition, for Division 2.1 (flammable gas) material, the pressure

relief devices (PRDs) must be arranged to discharge upward to prevent any escaping gas from contacting personnel or any adjacent cylinders. Valves and pressure relief devices on manifolded cylinders filled with a compressed gas must be protected from damage by framing, a cabinet or other method. Manifolding is authorized for cylinders containing the following gases:

(i) Nonliquefied (permanent) compressed gases authorized by § 173.302.

(ii) Liquefied compressed gases authorized by § 173.304. Each manifolded cylinder containing a liquefied compressed gas must be separately filled and means must be provided to ensure no interchange of cylinder contents can occur during transportation.

(iii) Acetylene as authorized by § 173.303.

* * * * *

■ 29. In § 173.304a, paragraph (e)(1)(ii) is revised to read as follows:

§ 173.304a Additional requirements for shipment of liquefied compressed gases in specification cylinders.

* * * * *

(e) * * *

(1) * * *

(ii) Each cylinder must be protected with at least one pressure relief device and at least one frangible disc conforming to § 173.301(f) and paragraph (a)(2) of this section. The relieving capacity of the pressure relief device system must be equal to or greater than that calculated by the applicable formula in paragraph 5.8.3 of CGA S–1.1 (IBR, see § 171.7 of this subchapter).

* * * * *

■ 30. In § 173.306, paragraphs (i) and (j) are revised and a new paragraph (k) is added to read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(i) A limited quantity which conforms to the provisions of paragraph (a)(1), (a)(3), or (b) of this section and is a ''consumer commodity'' as defined in § 171.8 of this subchapter, may be renamed ''consumer commodity'' and reclassed as ORM–D material. Each package may not exceed 30 kg (66 pounds) gross weight. In addition to the exceptions provided by paragraphs (a) and (b) of this section—

(1) Outside packagings are not required to be marked ''INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS'';

(2) Shipments of ORM–D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, a hazardous waste, or a marine pollutant or unless offered for transportation or transported by aircraft; and

(3) Shipments of ORM–D materials are eligible for the exceptions provided in § 173.156.

(j) *Aerosols and receptacles small, containing gas with a capacity of less than 50 mL.* Aerosols, as defined in § 171.8 of this subchapter, and receptacles small, containing gas, with a capacity not exceeding 50 mL (1.7 oz.) and with a pressure not exceeding 970 kPa (141 psig) at 55 °C (131 °F), containing no hazardous materials other than a Division 2.2 gas, are not subject to the requirements of this subchapter. The pressure limit may be increased to 2000 kPa (290 psig) at 55 °C (131 °F) provided the aerosols are transported in outer packages that conform to the packaging requirements of Subpart B of this part. This paragraph does not apply to a self-defense spray (e.g., pepper spray).

(k) For additional exceptions, also see § 173.307.

§ 173.335 [Removed]

■ 31. Section 173.335 is removed and reserved.

PART 175—CARRIAGE BY AIRCRAFT

■ 32. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53.

■ 33. In § 175.10, paragraph (a)(10) is revised to read as follows:

§ 175.10 Exceptions for passengers, crewmembers, and air operators.

* * * * *

(a) * * *

(10) Dry ice (carbon dioxide, solid):

(i) in quantities not exceeding 2.5 kg (5.5 pounds) per person in carry-on baggage, when used to pack perishables not subject to the HMR. The package must permit the release of carbon dioxide gas; and/or

(ii) in checked baggage, with the approval of the operator(s), when each package is marked ''DRY ICE'' or ''CARBON DIOXIDE, SOLID'', and marked with the net mass of dry ice or an indication the net weight is 2.5 kg (5.5 pounds) or less.

* * * * *

■ 34. A new § 175.900 is added to read as follows:

§ 175.900 Handling requirements for carbon dioxide, solid (dry ice).

Carbon dioxide, solid (dry ice) when shipped by itself or when used as a refrigerant for other commodities, may be carried only if the operator has made suitable arrangements based on the aircraft type, the aircraft ventilation rates, the method of packing and stowing, whether animals will be carried on the same flight and other factors. The operator must ensure that the ground staff is informed that the dry ice is being loaded or is on board the aircraft. For arrangements between the shipper and operator, see § 173.217 of this subchapter. Where dry ice is contained in a unit load device (ULD) or other type of pallet prepared by a single shipper in accordance with § 173.217 and the operator after the acceptance adds additional dry ice, the operator must ensure that the information provided to the Pilot-in-Command and the marking on the ULD when used as a packaging reflects that revised quantity of dry ice.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

■ 35. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.53.

■ 36. In § 177.848, paragraph (a)(1) is revised to read as follows:

§ 177.848 Segregation of hazardous materials.

(a) * * *

(1) In packages that must be labeled or placarded in accordance with part 172 of this subchapter;

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 37. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.53.

■ 38. In § 178.75, paragraph (f)(1) is revised to read as follows:

§ 178.75 Specifications for MEGCs.

* * * * *

(f) * * *

(1) The size of the pressure relief devices: CGA S–1.1 (IBR, see § 171.7 of this subchapter) must be used to determine the relief capacity of individual pressure receptacles.

* * * * *

■ 39. In § 178.274, in paragraph (b)(1), the first sentence is revised to read as follows:

§ 178.274 Specifications for UN portable tanks.

* * * * *

(b) * * *

(1) The design temperature range for the shell must be −40 °C to 50 °C (−40 °F to 122 °F) for hazardous materials transported under normal conditions of transportation, except for portable tanks used for refrigerated liquefied gases where the minimum design temperature must not be higher than the lowest (coldest) temperature (for example, service temperature) of the contents during filling, discharge or transportation. * * *

* * * * *

■ 40. In § 178.337–9, paragraph (b)(8) is revised to read as follows:

§ 178.337–9 Pressure relief devices, piping, valves, hoses, and fittings.

* * * * *

(b) * * *

(8) *Chlorine cargo tanks.* Angle valves on cargo tanks intended for chlorine service must conform to the standards of the Chlorine Institute, Inc., Dwg. 104–8 or ''Section 3, Pamphlet 166, Angle Valve Guidelines for Chlorine Bulk Transportation.'' (IBR, see § 171.7 of this subchapter). Before installation, each angle valve must be tested for leakage at not less than 225 psig using dry air or inert gas.

* * * * *

■ 41. In § 178.337–10, paragraph (d) is revised to read as follows:

§ 178.337–10 Accident damage protection.

* * * * *

(d) *Chlorine tanks.* A chlorine tank must be equipped with a protective housing and a manway cover to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate. For tanks manufactured on or after October 1, 2009, the housing and manway cover must conform to the Chlorine Institute, Inc., Dwg. 137–5 (IBR, see § 171.7 of this subchapter).

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 42. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.53.

■ 43. In § 180.205, a new paragraph (g)(6) added to read as follows:

§ 180.205 General requirements for requalification of specification cylinders.

* * * * *

(g) * * *

(6) Training materials (*e.g.*, CGA publication C–1.1) may be used for training persons who requalify cylinders using the volumetric expansion test method.

* * * * *

Issued in Washington, DC, on January 16, 2008 under authority delegated in 49 CFR part 1.

Krista L. Edwards,

Deputy Administrator.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R6–ES–2008–009; 92220–1113–0000; ABC Code: C3]

RIN 1018–AV39

Endangered and Threatened Wildlife and Plants; Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have revised the 2005 special rule for the central Idaho and Yellowstone area nonessential experimental population (NEP) of the gray wolf (*Canis lupus*) in the northern Rocky Mountains. Specifically, we have modified the definition of ''unacceptable impact'' to wild ungulate populations so that States and Tribes with Service-approved post-delisting wolf management plans (hereafter, referred to as wolf management plans) can better address the impacts of a recovered wolf population on ungulate herds and populations while wolves remain listed. We made other minor revisions to clarify the requirements and processes for submission of proposals to control wolves for unacceptable ungulate impacts. We also modified the 2005 special rule to allow persons in States or on Tribal lands with wolf management plans to take wolves that are in the act of attacking their stock animals or dogs. All other provisions of the special rule remain unchanged. As under the existing terms of the 2005 special rule, these modifications do not apply to States or Tribes without wolf management plans or to wolves outside the Yellowstone or central Idaho NEP areas.

DATES: The effective date of this rule is February 27, 2008.

ADDRESSES: This final rule is available on the Internet at *http://www.regulations.gov.* Once the complete decision file for this rule is completed it will be available for inspection, by appointment, during normal business hours at U.S. Fish and Wildlife Service, Office of the Western Gray Wolf Recovery Coordinator, 585 Shepard Way, Helena, Montana 59601. Call 406–449–5225 to make arrangements.

FOR FURTHER INFORMATION CONTACT: Ed Bangs, Western Gray Wolf Recovery Coordinator, at the above address or telephone 406–449–5225, extension 204, at *ed_bangs@fws.gov,* or on our Web site at *http://westerngraywolf.fws.gov/.*

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

In 1974, four subspecies of gray wolf were listed as endangered, including the NRM gray wolf (*Canis lupus irremotus*), the eastern timber wolf (*C. l. lycaon*) in the northern Great Lakes region, the Mexican wolf (*C. l. baileyi*) in Mexico and the southwestern United States, and the Texas gray wolf (*C. l. monstrabilis*) of Texas and Mexico (50 CFR 17.11(h)). In 1978, we relisted the gray wolf as endangered at the species level (*C. lupus*) throughout the conterminous 48 States and Mexico, except for Minnesota where it was reclassified as threatened (50 CFR 17.11(h)). In 2007, we delisted the Western Great Lakes distinct population segment of wolves that includes all of Minnesota, Wisconsin, Michigan, and parts of North and South Dakota, Iowa, Illinois, Indiana, and Ohio (72 FR 6051, February 8, 2007). The Northern Rocky Mountain Wolf Recovery Plan was approved in 1980 (U.S. Fish and Wildlife Service 1980, p. i) and revised in 1987 (U.S. Fish and Wildlife Service 1987, p. i).

On November 22, 1994, we designated unoccupied portions of Idaho, Montana, and Wyoming as two nonessential experimental population (NEP) areas for the gray wolf under section 10(j) of the Endangered Species Act of 1973, as amended (Act) (50 CFR 17.84(i)). One area is the Greater Yellowstone Area experimental population, which includes all of Wyoming and parts of southern Montana and eastern Idaho. The other is the central Idaho experimental population area, which includes most of Idaho and parts of southwestern Montana. In 1995 and 1996, we reintroduced wolves from

southwestern Canada into these areas (Bangs and Fritts 1996, pp. 407–409; Fritts, *et al.* 1997, p. 7; Bangs, *et al.* 1998, pp. 785–786). These reintroductions and accompanying management programs greatly expanded the numbers and distribution of wolves in the northern Rocky Mountains (NRM). At the end of 2000, the NRM population first met its numerical and distributional recovery goal of a minimum of 30 breeding pairs and more than 300 wolves well-distributed among Idaho, Montana, and Wyoming (68 FR 15804, April 1, 2003; Service, *et al.* 2001, Table 4). This minimum recovery goal has been exceeded annually through 2007 (Service, *et al.* 2002–2006, Table 4, Service, *et al.* 2007, p.1).

On January 6, 2005, we published a revised NEP special rule increasing management flexibility of these recovered populations for those States and Tribes with Service-approved wolf management plans (50 CFR 17.84(n)). For additional detailed information on previous Federal actions, see the 1994 and 2005 NEP special rules (59 FR 60252, November 22, 1994; 59 FR 60266, November 22, 1994; 70 FR 1286, January 6, 2005), the 2003 reclassification rule (68 FR 15804, April 1, 2003), the advanced notice of proposed rulemaking to designate the NRM gray wolf population as a distinct population segment and remove the Act's protections for this population (71 FR 6634, February 8, 2006), and the 2007 proposal to designate the NRM gray wolf population as a distinct population segment and remove the Act's protections for this population (i.e., delist) (72 FR 6106, February 8, 2007).

Background

Addressing Unacceptable Impacts on Wild Ungulate Populations—Both the 1994 Environmental Impact Statement for wolf reintroduction (Service 1994, pp. 6, 8) and the 1994 NEP special rules addressed the potential impact of wolf restoration on State and Tribal objectives for wild ungulate management. The 1994 NEP special rules allowed, under certain conditions, States and Tribes to translocate wolves causing unacceptable impacts to ungulate populations (50 CFR 17.84(i)).

On January 6, 2005, we published a new NEP special rule that allowed greater management flexibility for managing a recovered wolf population in the experimental population areas in the NRM for States and Tribes that had Service-approved wolf management plans (50 CFR 17.84(n)). The 2005 NEP special rule allowed those States and Tribes to lethally control wolves to address unacceptable impacts to ungulate populations, under certain conditions. The 2005 NEP special rule also required that a State or Tribal proposal to control wolves describe data indicating the ungulate herd is below management objectives, data indicating impact of wolf predation on the herd, why wolf removal is warranted, the level and duration of wolf removal, how the ungulate response would be measured, and other remedies and conservation measures. The State or Tribe also had to provide an opportunity for peer review and public comment before submitting the proposal for Service approval. Before we could approve such proposals, we had to determine that the proposed wolf control was scientifically based and would not reduce the wolf population below recovery levels.

The 2005 NEP special rule authorized lethal take because we recognized that the wolf population had exceeded its recovery goals, extra management flexibility was required to address conflicts given the recovered status of the population, most of the suitable wolf habitat in Idaho, Montana, and Wyoming was occupied by resident wolf packs, and wolf translocations were likely to fail because no unoccupied suitable habitat remained (70 FR 1294, January 6, 2005; Bradley, *et al.* 2005, p. 1506).

The 2005 NEP special rule's definition of ''unacceptable impact'' was a ''State or Tribally-determined decline in a wild ungulate population or herd, primarily caused by wolf predation, so that the population or herd is not meeting established State or Tribal management goals. The State or Tribal determination must be peer-reviewed and made available for review and comment by the public, prior to a final determination by the Service that an unacceptable impact has occurred, and that wolf removal is not likely to impede wolf recovery'' (50 CFR 17.84(n)(3)). This definition set a threshold that we have found over time did not provide the intended flexibility to allow States and Tribes to resolve conflicts between wolves and ungulate populations. Current information indicates that wolf predation alone is unlikely to be the primary cause of a reduction of any ungulate herd or population in Idaho, Montana, or Wyoming (Bangs, *et al.* 2004, pp. 89–100). No populations of wild ungulates occur in Montana, Idaho, or Wyoming where wolves are the sole predator. Wolf predation is unlikely to impact ungulate population trends substantially unless other factors contribute, such as declines in habitat quality and quantity (National Research Council 1997, pp. 185–186; Mech and Peterson 2003, p. 159), other predators (Barber, *et al.* 2005, p. 42–43; Smith, *et al.* 2006, p. vii), high harvest by hunters (Vucetich, *et al.* 2005, p. 259; White and Garrott 2005, p. 942; Evans, *et al.* 2006, p. 1372; Hamlin 2006, p. 27–32), weather (Mech and Peterson 2003, pp. 138–139), and other factors (Pletscher, *et al.* 1991, pp. 545–548; Garrott, *et al.* 2005, p. 1245; Smith, *et al.* 2006, pp. 246–250). However, in combination with any of these factors, wolf predation can have a substantial impact to some wild ungulate herds (National Research Council 1997, p. 183; Mech and Peterson 2003, pp. 155–157; Evans, *et al.* 2006, p. 1377) with the potential of reducing them below State and Tribal herd management objectives.

The unattainable nature of the threshold set in the 2005 NEP special rule became apparent soon after its completion. In 2006, the State of Idaho submitted a proposal to the Service that indicated wolf predation was impacting the survival of adult cow elk in the Clearwater area of central Idaho and that some elk populations in the Lolo and Selway zones in this area were below State management objectives (Idaho Department of Fish and Game 2006 pp. 11–12, Figures 1, 2, and 3). In the Clearwater proposal, the State of Idaho and the peer reviewers clearly concluded that wolf predation was not ''primarily'' the cause of the elk populations' decline, but was one of the major factors maintaining the elk populations' status below State management objectives. Declining habitat quality due to forest maturation was the primary factor affecting the populations' status, but black bear predation on elk calves, mountain lion predation on adults, and the harsh winter of 1996–1997 also were major factors. Data also clearly indicated that wolf predation was one of the major causes of mortality of adult female elk, which contributed to the elk populations remaining below State management objectives. After discussions with the Service, Idaho put their proposal on hold because the proposal did not meet the regulatory standard for unacceptable ungulate impacts set by the 2005 special rule.

In this NEP special rule, we have modified the definition of ''Unacceptable impact'' in order to achieve the management flexibility intended by the 2005 NEP special rule. Specifically, we now define ''Unacceptable impact'' as ''Impact to a wild ungulate population or herd where a State or Tribe has determined that wolves are one of the major causes of

the population or herd not meeting established State or Tribal population or herd management goals.'' This definition expands the potential impacts for which wolf removal might be warranted beyond direct predation or those causing immediate population declines. It would, in certain circumstances, allow removal of wolves when they are a major cause of the inability of ungulate populations or herds to meet established State or Tribal population or herd management goals. Management goals or their indicators might include population or herd numbers, calf/cow ratios, movements, use of key feeding areas, survival rates, behavior, nutrition, and other biological factors.

Under this NEP special rule, as was the case in the 2005 NEP special rule, proposals for wolf control from a State or Tribe with a Service-approved wolf management plan will have to undergo both public and peer review. Based on that peer review and public comment, the State or Tribe will finalize the proposal and submit it to the Service for a final determination. This NEP special rule requires the following to be described in the proposal: (1) The basis of ungulate population or herd management objectives; (2) what data indicate that the ungulate herd is below management objectives; (3) what data indicate that wolves are a major cause of the unacceptable impact to the ungulate population; (4) why wolf removal is a warranted solution to help restore the ungulate herd to management objectives; (5) the level and duration of wolf removal being proposed; (6) how ungulate population response to wolf removal will be measured and control actions adjusted for effectiveness; and (7) demonstration that attempts were and are being made to address other identified major causes of ungulate herd or population declines or of State or Tribal government commitment to implement possible remedies or conservation measures in addition to wolf removal. Before wolf removals can be authorized, the Service must determine (1) if the State or Tribe followed the rule's procedures for submitting a proposal to remove wolves in response to unacceptable impacts; (2) if an unacceptable impact has occurred; (3) if the data and other information presented in the proposal support the recommended action; and (4) that the proposed removal would not contribute to the wolf population in the State below 20 breeding pairs and 200 wolves or impede recovery of the NRM wolf population.

The NRM wolf population is a metapopulation comprised of three primary population segments: central Idaho, northwest Montana, and the greater Yellowstone area (GYA). These population segments are spatially separated but are not completely isolated from each other. Each population segment is comprised of a varying number of packs and individuals that disperse within segments and to other segments. Exchange of individuals from these segments also occurs with nearby wolf packs in Canada. The population segments in central Idaho, GYA, and to a lesser extent northwestern Montana, include core refugia, which are areas of relatively high concentrations of wolves on protected public lands (National Parks or Wilderness areas) or habitats with very few human-caused impacts. These refugia are primary sources for a continual supply of dispersing wolves. In this document, the term ''NRM wolf population'' will mean this metapopulation, and the term ''wolf population(s)'' will mean the segments within the NRM wolf population.

The minimum recovery goal for the NRM wolf population requires at least 30 breeding pairs and at least 300 wolves equally distributed in Idaho, Montana, and Wyoming (62 FR 15804). To ensure this goal is achieved, each of these States has committed to manage for at least 15 breeding pairs in mid-winter (ILWOC 2002, p. 18; MWMAC 2003, App.1; WGFD 2007a, p. 4). This objective would provide a reasonable cushion to ensure each State's share of the wolf population does not risk falling below the minimum recovery goal of 10 breeding pairs and 100 wolves.

Because this NEP special rule will likely result in more wolf control than is currently occurring, we have established safeguards to ensure that wolf control for ungulate management purposes would not undermine the objectives in the States' wolf management plans. Specifically, before any lethal control of wolves is authorized under this NEP special rule, we must determine that such actions will not contribute to reducing the wolf population in the State below 20 breeding pairs and 200 wolves. This safety margin provides a buffer against unforeseen mortality events that might occur after such removal, and ensures that each State's ability to manage for 15 breeding pairs would not be compromised. This limit is a necessary and advisable precaution while wolves remain listed to ensure the conservation of the species given the additional take that might be authorized pursuant to this rule.

Providing this revision to the NEP special rule for additional management flexibility is appropriate because the NRM wolf population has met all its numerical, temporal, and distributional recovery goals (62 FR 15804). By middle of 2007, the NRM wolf population was estimated to contain 1,545 wolves in 105 breeding pairs (over 3 times the minimum numeric recovery goal for breeding pairs and more than 5 times the minimum population goal), and will exceed the minimum recovery levels for the 7th consecutive year. Montana had an estimated 394 wolves in 37 breeding pairs, Idaho had 788 wolves in 41 breeding pairs, and Wyoming had 362 wolves in 27 breeding pairs.

We do not expect this NEP special rule to adversely affect the species because wolf biology allows for rapid recovery from severe disruptions. After severe declines, wolf populations can more than double in just 2 years if mortality is reduced and adequate food is available (Fuller, *et al.* 2003, pp. 181–183). Increases of nearly 100 percent per year have been documented in low-density suitable habitat (U.S. Fish and Wildlife Service, *et al.* 2007, Table 4). The literature suggests that in some situations wolf populations can remain stable despite annual human-caused mortality rates ranging from about 30 to 50 percent (Keith 1983, p. 66; Fuller, *et al.* 2003, pp. 182–184). Given abundant prey availability, wolf populations can sustain such high levels of human-caused mortality due to their high reproductive potential and replacement of losses by dispersing wolves from nearby populations (Fuller, *et al.* 2003, pp. 183–185).

Total mortality of adults in the NRM wolf population was nearly 26 percent per year from 1994 to 2006, and the human-caused mortality was about 20 percent per year (Smith 2007). However, the NRM wolf population still continued to expand at about 24 percent annually (Service, *et al.* 2007, p. Table 4). These data indicate that the current annual human-caused mortality rate of about 20 percent in the adult portion of the NRM wolf population could be increased to some extent without causing the NRM wolf population to decline. Wolf populations and packs within the NRM wolf population are expected to be quite resilient to regulated mortality because adequate food supplies are available and core refugia provide a constant source of dispersers to replenish breeding vacancies in packs.

Wolf populations within the portion of the NRM where this rule applies are characterized by robust size, high productivity, closely neighboring packs, and many dispersers (Service, *et al.* 2007, Figure 1; Jimenez, *et al.* in prep.).

Wolf populations now occupy most of the suitable wolf habitat in the NRM (Service, *et al.* 2007, Figure 1). These populations are unlikely to expand their current distributions because little unoccupied suitable habitat is available (Bradley, *et al.* 2005, p. 1506; Service, *et al.* 2007, Figure 1). Because suitable habitat is nearly saturated, core refugia within these populations will continue to produce a large number of ''surplus'' wolves which will either fill in social vacancies within the core refugia, die, or disperse out of the core refugia. Therefore, the core refugia would have an abundant supply of wolves ready to fill any vacancies caused by agency control for unacceptable ungulate impacts. Even when entire packs are removed, new packs are likely to form. During wolf control for livestock depredation in Wyoming, the Daniel, Green River, Carter Mountain, and Owl Creek packs all reformed after they were entirely or almost entirely removed (Jimenez, *et al.* in prep, pp. 198–200). Bradley, *et al.* (in press, pp. 8–13) found that, following the removal of wolves for livestock depredation in the NRM wolf population, the breeding status of packs was not greatly affected, regardless of breeding status of individuals or proportion of a pack removed.

Furthermore, many ungulate herds and populations in Idaho, Montana, and Wyoming are at or above State management objectives and most of those below management objectives are most affected by factors other than wolves. Of the 78 elk game management units (GMU) in Idaho, 3 GMUs were identified to be below management objectives with wolves being one of the major causes of decline between 2003 and 2006 (IDFG 2006, pp. 11–12, Figures 1, 2, and 3). Of the 35 elk herds in Wyoming, wolf packs were present in the area used by 7 herds. Wyoming Game and Fish Commission identified 3 of those 7 herds as either below management objectives or having calf/cow ratios indicating that the herd was likely to fall below management objectives soon (Wyoming Governor and Wyoming Game and Fish Commission 2005, pp. 5–6). Because nearly all suitable wolf habitat is now occupied in the NRM (Bradley, *et al.* 2005, p. 1506; Service, *et al.* 2007, Figure 1), the current wolf distribution is unlikely to significantly expand and wolves are not likely to begin affecting elk in many new areas. On the other hand, increasing wolf density within already occupied wolf habitat in some areas may cause increased impacts to those elk herds or other wild ungulate herds. Therefore, we expect the need for wolf control to be relatively confined to existing areas of wolf-ungulate impacts, although the need for control in those areas may increase as wolf density increases.

Given the resilience of wolf populations, the current status of the NRM wolf population, and the number and location of ungulate populations or herds identified as below management objectives with wolves as one of the major causes, we determined that any increased mortality from wolf control actions under this rule would not affect the recovered status of the NRM wolf population in Idaho, Montana, or Wyoming.

Addressing Take To Protect Stock Animals and Dogs—The 1994 NEP special rules stated that any livestock producers on their private land may take (including to kill or injure) a wolf in the act of killing, wounding, or biting livestock (defined as cattle, sheep, horses, and mules) (50 CFR 17.84(i)). Similar provisions applied to livestock producers on public land if they obtained a permit from the Service (50 CFR 17.84(i)).

The 2005 NEP special rule expanded this provision to allow landowners in States with Service-approved wolf management plans to lethally take wolves that were ''in the act of attacking'' their livestock and any kind of dog on private land, where ''in the act of attacking'' was defined as ''the actual biting, wounding, grasping, or killing of livestock or dogs, or chasing, molesting, or harassing by wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or dogs is likely to occur at any moment.'' (50 CFR 17.84(n)(3)). The expanded definition in the 2005 NEP special rule also provided Federal land permittees the ability to take wolves in the act of attacking livestock on active public grazing allotments or special-use areas. The definition of ''Livestock'' was expanded in 50 CFR 17.84(n)(3) as ''Cattle, sheep, horses, mules, goats, domestic bison, and herding and guarding animals (llamas, donkeys, and certain breeds of dogs commonly used for herding or guarding livestock). Livestock excludes dogs that are not being used for livestock guarding or herding.''

The 1994 and 2005 NEP special rules did not cover some circumstances for potential damage of private property by wolves. For instance, landowners could lethally take wolves in the act of attacking dogs on their own private land, but could not do the same when on public lands unless the dogs were certain breeds of dogs being used for herding or guarding livestock and were being used for work on Federal lands under an active permit. Recreationists also could not lethally take wolves in the act of attacking stock animals used to transport people or their possessions.

This NEP special rule adds a new provision for lethal take of wolves in States with Service-approved wolf management plans when in defense of ''stock animals'' (defined as ''a horse, mule, donkey, llama, or goat used to transport people or their possessions'') or any kind of dog. Specifically, this modified NEP special rule states that ''any legally present person on private or public land except land administered by the National Park Service may immediately take a wolf that is in the act of attacking the individual's stock animal or dog, provided there is no evidence of intentional baiting, feeding, or deliberate attractants of wolves. The person must be able to provide evidence that taken wolves were recently (less than 24 hours) in the act of attacking stock animals or dogs, and we or our designated agents must be able to confirm that the wolves were in the act of attacking stock animals or dogs. To preserve evidence that the take of a wolf was conducted according to this rule, the carcass of the wolf and the area surrounding should not be disturbed. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.''

Since 1995, only 60 wolves (about 9 percent of the 672 wolves legally removed in agency-authorized control actions) have been legally killed by persons in defense of their private property in the NRM. Wolf depredations on stock animals accompanied by their owners have not been documented in the past 12 years, but a few instances of stock animals being spooked by wolves have been reported. Two wolves have been taken by Federal land permittees as wolves chased and harassed horses in corrals or on pickets. While this revision provides additional opportunity for persons to protect their private property, these instances are likely to be rare. Therefore, we expect no impacts on the recovered status of the NRM wolf population from this additional flexibility in the rule.

Reports confirm that 101 dogs have been killed by wolves from 1987 to 2007 (Service, *et al.* 2007, Table 5, Service 2008, p. 1), but no wolves are known to have been killed solely to protect dogs. We know of one credible and one unconfirmed report of wolves killing pet dogs while humans have been nearby (USDA 2007, p. 1). Wolves have killed at least 35 hunting hounds, primarily on public land. In only a few of those

instances, the hounds' owners were close enough that they might have been able to better protect their dogs by shooting at the wolves involved. Although we expect that take of wolves involved in conflicts with pet dogs or hunting hounds would be rare, these reports indicate that such instances could occur. This modification would allow persons in States with Service-approved wolf management plans to protect their dogs from wolf attacks.

Dispersing wolves would quickly fill vacancies created by any take of wolves to protect stock animals and dogs. Because such take of wolves is expected to be extremely low, cumulative impacts of this take combined with agency control for ungulate impacts would be negligible.

Summary of Peer Reviews

In accordance with our joint policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), and the Office of Management and Budget's (OMB) Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we solicited independent review of the science in the proposed NEP special rule from ten experts on wolves, ungulates, or predator-prey relationships. The purpose of such review was to ensure that our decisions on the proposed revisions to the 10(j) special regulations were based on scientifically sound data, assumptions, analyses, and conclusions. All ten peer reviewers submitted comments on the proposed rule. We considered their comments and recommendations as we made our final decision on the proposed revisions. Substantive peer reviewer comments are summarized in the remaining paragraphs of this section as well as discussed in greater detail in the appropriate Issue/Response sections that follow.

All eight peer reviewers who specifically stated an opinion on the soundness of our proposed revisions regarding management of wolves for impacts to ungulates confirmed that our approach was reasonable. Seven of them provided additional considerations and recommendations. The remaining two peer reviewers raised some concerns and recommendations described below, but did not explicitly express opposition or support to the proposed revisions.

In general, the peer reviewers agreed with our conclusion that wolf predation is never the primary cause of ungulate population impacts but can be among major contributing factors. They also generally confirmed that the proposed safeguards are appropriate for ensuring that wolf control under the revised special regulations would not compromise wolf recovery in the NEP areas of the NRM. While none of the peer reviewers expressed concern that such wolf control would adversely impact wolf recovery, four reviewers questioned a claim in the proposal regarding the level of mortality wolf populations could sustain while maintaining positive growth. Four peer reviewers believed the proposed safety margin of 20 breeding pairs and 200 wolves and other safeguards were adequate to prevent impacts to wolf recovery, while two questioned the necessity of the additional safety margin given the resilience of wolf populations to relatively high mortality.

Two peer reviewers expressly stated that the proposed criteria, required in the NEP special rule, for Service approval of State or Tribal wolf control proposals were adequate or ''sufficiently rigorous.'' Three others indicated that the standards should be made more specific. One reviewer thought the proposed NEP special rule did not clearly identify criteria for assessing whether a wolf control program will result in ungulate population recovery. Their suggestions for improving the standards included requiring effectiveness monitoring and that we suggest the kind of data to be used for determining wolf predation impacts and ungulate population vigor.

Three reviewers raised a concern for a potential lack of biological validity of ungulate management objectives set by a State or Tribe. Their concerns included objectives that may be based on historical ungulate population levels in the absence of wolves, desired hunter harvest, or without consideration for the inverse relationship between density and productivity in ungulate populations.

Two peer reviewers indicated that the NEP special rule should explicitly require States and Tribes to address other major factors affecting ungulate populations along with wolf control. Two peer reviewers recommended that we define ''major'' for the purpose of determining when wolves may be one of the major causes of unacceptable ungulate impacts.

Two peer reviewers agreed that the proposed revised NEP special rule provided an appropriate, transparent review process to ensure science-based decisions, but another reviewer warned that, due to the complexities of predator-prey relationships and other influencing factors, trusting the peer review process to catch and identify all interactions that should be considered in a control program may be difficult.

One peer reviewer expressed a preference that hunting and trapping be used as methods of wolf control over aerial gunning or poisoning for more public acceptance of control programs. He did not make a recommendation that the preferred methods be required. None of the other peer reviewers offered opinions on control methods.

The six peer reviewers who specifically addressed the revisions addressing lethal take of wolves for the protection of stock animals and dogs stated that our approach was reasonable. There was general agreement that this additional protection was not likely to result in a level of take that would affect wolf populations. One reviewer agreed with our opinion that it might increase public tolerance of wolves.

One peer reviewer asked what kind of evidence would support a claim of ''harassment'' where physical evidence may be lacking. He acknowledged that such specifics need not be incorporated into the rule, but cautioned that the Service develop sound procedures addressing this issue to prevent abuse.

Summary of Comments and Recommendations

A. Soliciting Public Comment

In our July 6, 2007, proposed rule (72 FR 36942), we requested that all interested parties submit comments or information that might aid in our decisions or otherwise contribute to the development of this final rule. We also contacted the appropriate Federal, State, and local agencies, Tribes, and scientific and other interested parties and organizations and invited them to comment on the proposed rule. We conducted numerous press interviews to promote wide coverage of our proposed rule in the media. We published legal notices in many newspapers announcing the proposal and hearings and invited comment. We posted the proposal and numerous background documents on our Web site, and we provided them upon request by mail or e-mail and at our hearings and informational meetings. We established several avenues for interested parties to provide comments and other information, including verbally or in writing at public hearings, by letter, e-mail, or facsimile transmission.

The initial comment period was open from July 6, 2007, through August 6, 2007. During that period, we publicized and conducted public hearings on the proposed revised special rule in Cody, Wyoming, on July 17, 2007; in Helena, Montana, on July 18, 2007; and in Boise, Idaho, on July 19, 2007. We also held general public meetings on the same day

of each hearing to provide additional information and explain our proposal. At these meetings, we also offered the public opportunity to ask questions and provide input.

A second comment period was opened from September 11, 2007, through October 11, 2007, to provide the public additional opportunity to review and comment on the proposal concurrent with a public comment period on the draft environmental assessment (EA) of the proposed revisions.

At the three hearings, 54 people testified, and we received 19 written comments. During the first comment period, we received more than 176,000 comments by e-mail. During the second comment period, we received about 86,000 additional comments by e-mail. We received a total of approximately 450 mailed and faxed comments. Comments were submitted by a wide array of parties, including the general public, environmental organizations, hunting and outfitter's groups, Tribes, agricultural agencies and organizations, and Federal, State, and local government agencies. Comments originated from throughout the country and even from people in a few other nations.

The Wyoming Game and Fish Department submitted a letter commenting on the proposed NEP special rule on August 3, 2007 (WGFD 2007b). On October 22, 2007, the Wyoming Governor issued a letter (Wyoming Governor 2007) describing how several stipulations in Wyoming law related to delisting and management of the gray wolf are being resolved. One of these stipulations included modifications to the NEP special rule. The Wyoming Governor stated that in light of the resolution of this stipulation, the comments submitted on the proposed NEP special rule are now superseded and do not require our response. Therefore, we do not respond to the comments from the Wyoming Game and Fish Department in this document. However, we have responded to similar comments if they were raised by other parties.

Substantive comments and new information received from peer reviewers and the public during the comment period have either been addressed below or incorporated directly into this final rule. Related comments (referred to as ''Issues'') are grouped together below and are followed by our responses. In addition to the following discussion, refer to the ''Changes From the Proposed Rule'' section for more details. We received thousands of messages supporting and protesting the proposed revisions that did not include substantive comments or new information. Although we reviewed these messages, the number of opinions was not part of the basis of our decisions on the final rule.

B. Technical and Editorial Comments

Issue 1—Peer reviewers and commenters provided editorial suggestions, information updates, and corrections to literature citations. Some peer reviewers thought we misstated conclusions from the Oakleaf, *et al.* (2006, pp. 554–559) study. One peer reviewer asked if we could provide any published citations besides the personal communication (Smith 2005) regarding a 26 percent mortality rate in the NRM wolf population.

Response 1—We corrected and updated numbers and other data where appropriate. We edited the preamble to the rule to make its intent and purpose clearer.

The reference year for the Oakleaf, *et al.* (2006, p. 556) wolf pack home range analysis was 2000. The study indicated that at that time relatively large tracts of suitable wolf habitat remain unoccupied in the Rocky Mountains (Oakleaf, *et al.* 2006, p. 554). Since then, the wolf population continued to grow, as the study predicted, to 1,545 wolves in summer 2007 (Service 2008, p. 1), and most habitat predicted by Oakleaf, *et al.* (2006, Figure 2) as suitable is now occupied (Service, *et al.* 2007, Figure 1). We have corrected the citations and text in the rule's preamble to reflect this information.

The data on wolf survival and mortality in the NRM has not been published yet, but Smith (2007) is currently preparing it for publication. We have determined that the data, although not yet published, constitutes the best scientific data available on wolf survival and mortality in the NRM. This information was gathered and compiled by State, Tribal, and Federal members of the Interagency Wolf Recovery Team and entails data from over 900 radio-collared wolves in the NRM population since 1994.

Issue 2—A few commenters expressed confusion over the difference between the 1994 and 2005 rules and the revised rule because we did not include the entire 50 CFR 17.84(n) regulations in the **Federal Register** notice for the proposed rule. Some thought we would now have four different 10(j) rules in place.

Response 2—In 1994 we promulgated special regulations at 50 CFR 17.84(i) for the reintroduction of two NEPs of the wolf in the NRM. In 2005, we modified the NEP special rule, 50 CFR 17.84(n), and we are doing so again in this rule. This approach does not result in multiple sets of these regulations. The regulations in 50 CFR 17.84(i), which apply to States and Tribes without wolf management plans, will remain the same, and the revised regulations in 50 CFR 17.84(n), which apply to States and Tribes with wolf management plans, will supersede the 2005 edition. We have included additional explanation in this rule's preamble to ensure clarity of the changes.

Issue 3—Some peer reviewers questioned the claim in the proposed rule that the literature indicates that wolf populations could sustain an annual human-caused mortality of 30 percent or more. One peer reviewer pointed out that this statement does not provide an upper bound on mortality rate and, therefore, could be misleading. Another did not recommend that such a high rate of mortality be allowed, but acknowledged that the rule's safeguards would preclude this concern.

Response 3—We corrected the rule's preamble to indicate that the literature indicates that some wolf populations could remain stable at mortality rates of around 30 to 50 percent.

Issue 4—Several commenters questioned the need for the proposed revisions because they believed that the 2005 special regulation already allows for control of wolves because of ungulate impacts. Many expressed the concern that the biology and current ungulate herd and population numbers do not justify a need for increasing flexibility for wolf control. A few commenters did not think increasing flexibility to control wolves to protect stock animals was necessary because the current special regulations already allow wolf control to protect livestock or because there is no evidence that wolves attack stock animals.

Response 4—As explained in the proposed rule and the preamble of this final rule, the 2005 NEP special regulations did not provide States and Tribes the intended flexibility to control wolves causing unacceptable impacts to ungulate herds or populations because such impacts have never been shown to be ''primarily caused by wolf predation.'' Thus, the wording in the definition of ''unacceptable impact'' to a wild ungulate population or herd in the 2005 special regulation set an unattainable standard for approval of wolf control and no State or Tribe was able to use the special rule for that purpose. The revision of the definition of ''unacceptable impact'' to include wolves as ''one of the major causes'' now provides the intended flexibility for wolf management by States and Tribes.

We acknowledged in the preamble of the revised rule and final EA that many ungulate populations and herds currently are at or above States' management objectives. However, we also are aware of a few instances where herds are not meeting or soon may not meet those objectives, and evidence indicates that wolves are one of the major causes of the failure to maintain those objectives (Wyoming Governor and Wyoming Game and Fish Commission 2005, pp. 5–6; IDFG 2006, pp. 11–12, Figures 1, 2, and 3). The intention of this revision is to provide States and Tribes the flexibility to control wolves in such localized situations. We expect that such situations will continue to be few, and, along with the safeguards in the revised NEP special rule, resulting take of wolves would not have a meaningful impact on wolf populations and would not affect recovery of the NRM wolf population.

The terms ''livestock'' and ''stock animals'' were confusing to some commenters who thought the revision to increase wolf control flexibility for the latter is unnecessary. Although the animals listed in ''livestock'' overlap with some ''stock animals'' (e.g., horse, mule, donkey, llama), the latter refers to animals used for transport of people or their possessions. The revision does not supplant the definition of livestock with that of stock animals. The 2005 special regulation did not allow any person on public land, who was legally present but did not have a land-use permit to graze livestock or operate an outfitter or guiding business, to kill wolves in defense of these animals. For example, an individual using a llama to pack-in gear while recreating on public lands for his or her enjoyment was not allowed to lethally take a wolf to protect that llama under the 2005 special regulation. The revised special regulation now allows anyone legally present on private or public land, except land administered by the National Park Service, to lethally take wolves in defense of horses, mules, donkeys, llamas or goats that are being used to transport people or their possessions. The 2005 rule also did not allow outfitters and guides or the public on public land to take wolves to protect hunting dogs. The revised rule now allows anyone legally present on private or public land, except land administered by the National Park Service, to take wolves in defense of any dog.

While there have been no reports of wolves depredating stock animals accompanied by their owners in recent years, some reports indicate that wolves have been close enough to spook stock animals. Two wolves have been taken by Federal land permittees as wolves chased and harassed horses in corrals or on pickets. This demonstrates that wolves may occasionally attack stock animals. The increased flexibility in the revised special regulation will allow owners to protect their private property in the few instances when this type of situation may occur.

Issue 5—A large proportion of commenters were alarmed because they believed that the revisions to the 2005 NEP special rule would allow States and Tribes to kill wolves in large numbers, reduce populations to the minimum recovery numbers, or even reduce them below recovery levels. Others thought that the safety margin of 20 breeding pairs and 200 wolves per State was not adequate based on population viability analysis theories. Some stated that the constraints in the rule on wolf control are not adequate to prevent abuse of the increased management flexibility and that wolves could be killed for reasons other than those described. Others thought the rule would allow ''open season'' or public hunting of wolves. On the other hand, some supporters of the revised rule expressed belief that a wolf population explosion has decimated elk and moose populations. They advocated killing as many wolves as possible by any means necessary.

Response 5—The minimum numerical and distributional recovery goal for the NRM wolf population is at least 10 breeding pairs and at least 100 wolves in each of the States of Idaho, Montana, and Wyoming (62 FR 151804). Under this modified special rule, a State cannot be authorized to control wolves for ungulate population impacts if such control would contribute to reducing wolves to below 20 breeding pairs and 200 wolves in that State. These numbers are twice the minimum recovery goals. Therefore, this NEP special rule should not result in the reduction of the NRM wolf population to minimum recovery numbers. Furthermore, this NEP special rule's restriction preventing wolf control below 20 breeding pairs and 200 wolves does not mean that States and Tribes will be allowed to eliminate all wolves above those levels. This is only one of many prerequisites. As in the 2005 special rule, this modified NEP special rule requires States and Tribes to address specific criteria in their proposals for wolf control and follow rigorous peer review, public comment, and Service approval processes before control can be authorized. The State or Tribe proposing to control wolves would have to demonstrate that an ungulate herd or population cannot meet management objectives and wolves are one of the major causes. They also have to scientifically demonstrate that wolf control is warranted and the proposed level and duration of wolf control is appropriate for addressing the impacts to ungulates.

As explained in the preamble, many of the elk populations in the NEP areas are currently at or above State management objectives and only a few elk herds or other ungulate populations are considered to be declining or low due to wolf predation. We also explain in the preamble that core refugia in the NRM would supply a constant source of dispersers to fill in vacancies created by agency control. Because agency control of wolves is likely to occur in only a few discrete areas, the movement of dispersers between packs and populations, and thus connectivity, would not be disrupted.

This rule applies only to wolves in the two NRM NEP areas in States with Service-approved wolf management plans. Control of wolves in national parks and other lands administered by the National Park Service, as well as wolves listed as endangered, is not authorized by this rule.

Furthermore, the standards in this NEP special rule for approving a wolf control proposal would not allow wolves to be killed for just any reason. In their proposal, the State or Tribe must describe impacts from wolves on the ungulate herd or populations and demonstrate in the proposal that wolf control is warranted for relieving unacceptable impacts to ungulate herds or populations. If effects to ungulates by wolves are not among the major causes of the inability to achieve management objectives, wolf control would not be appropriate.

Based on records of wolf threats or attacks on dogs and stock animals, the number of incidents in which wolves might be taken under the modified special rule for these purposes is expected to be very small. Furthermore, when one wolf out of an attacking group is shot, the rest of the wolves almost invariably flee. Fleeing wolves could no longer be ''in the act of attacking'' and taking of such wolves would be in violation of the law. Therefore, we fully expect that abuse of the law and taking of more than one wolf during each incident to be unlikely.

This modified NEP special rule does not authorize open public hunting nor would it allow States or Tribes to use public hunting as a method for controlling wolves causing unacceptable impacts to ungulates. A State or Tribe may choose to enlist persons as designated agents of that agency to conduct highly controlled damage hunts

on private property for controlling wolves, but this method would need to be included in their proposal and subject to all the NEP special rule's criteria and procedural requirements for our approval.

Evidence does not support the belief that wolves are decimating ungulate populations in the NRM. Currently many elk populations are at or above management objectives in Idaho, Montana, and Wyoming. Some populations of other ungulates, such as mule deer, bighorn sheep, and moose are depressed in some areas, but this is mostly due to causes other than wolf predation, such as disease and poor habitat quality. The need for wolf control to help restore ungulate herds or populations to State or Tribal management objectives is not pervasive, and uncontrolled removal of wolves is not necessary, appropriate, or allowable under this NEP special rule.

We agree that wolf populations tend to be resilient to regulated human-caused mortality. However, because we anticipated that the revised NEP special rule may result in more killing of wolves than is currently occurring, we established measures to ensure that wolf control for ungulate management purposes would not undermine wolf recovery goals or the States' ability to manage for 15 breeding pairs as obligated by their Service-approved wolf management plans. Most peer reviewers noted that the rule's safeguards and safety margins were adequate to prevent abuse and that the revisions would result in little impact to the recovered wolf population. No peer reviewer expressed concern that the revisions would result in significant impacts to the recovered NRM wolf population or that the rule's safety margin is inadequate. Two peer reviewers questioned the necessity of the additional safety margin of 20 breeding pairs and 200 wolves in consideration of the resilience of wolves to take and the current recovery level safety margin of 15 breeding pairs required by the States' Service-approved wolf management plans. The additional safety margin of 5 breeding pairs above the 15 breeding pairs the States will manage for is the same size of the safety margin over the 10 breeding pairs necessary for delisting. This buffer is intended to prevent the compromise of State wolf management objectives from unforeseen events that may cause wolf declines in combination with the additional mortality from wolf control.

Issue 6—We received a number of comments, including from two peer reviewers, that the term ''major causes'' in the proposed revised definition of ''unacceptable impacts'' be further defined. One of the peer reviewers suggested some criteria to consider. Some commenters said that long-term studies would be necessary to show that wolves are one of the major causes of ungulate declines.

Response 6—Consideration of whether wolves are one of the major causes of ungulate population declines would require comparing the significance of the wolf impact with that of the other causes. Because the relationship between wolf predation and ungulate populations is very complex (Mech and Peterson 2003, pp. 146) and because a host of other interconnected local factors can influence how it might affect ungulate populations (Garrott, *et al.* 2005, pp. 1245), we could not predict all the specifics in each way wolves could be one of the major causes of ungulate impacts. If we attempted to develop a specific list of required criteria, we may unintentionally exclude other valid conditions. Furthermore, even the suggested criteria from the peer reviewer included some level of subjectivity (e.g., ''high proportion,'' ''strong evidence,'' ''excessive'') that would require further definition. Therefore, we believe that the validity of a State's claim that wolves are a major cause of ungulate impacts would be better determined on a case-by-case basis, where such a determination will depend upon the adequacy of the data and science describing the conditions, and their relative importance, contributing to ungulate herd or population declines. We would rely on professional evaluation and judgment inherent in the required peer reviews and our approval process to ensure that such determinations are appropriate.

Due to the complexity of wolf-ungulate interactions, it may be difficult to unequivocally prove that wolves are one of the major causes of ungulate decline. However, reasonable inferences can sometimes be made by comparing ungulate herds or populations with similar environmental conditions where wolves are absent, are present in much smaller numbers, and are present in similar or larger numbers. We would consider this information along with other data required by the NEP special rule and the soundness of the science presented in the proposal.

Issue 7—We received several suggestions that the States should be required to demonstrate that they are addressing other major causes of ungulate herd or population declines in concert with wolf control. These suggestions were in response to an interpretation that the rule requires the States or Tribes merely to describe the other major causes in their proposals. We also received a comment that the State may not have control over all other major causes, such as climate change.

Response 7—Our intent was that States or Tribes would need to demonstrate that they have attempted to address other major causes or that they are committed to do so in concert with wolf control. We have refined the wording in the rule so that it more clearly expresses that intent (see Changes From the Proposed Rule section). We would not disapprove a proposal merely because the State or Tribe has no power to address certain other causes of ungulate declines. However, we would expect the proposal to describe why the State or Tribe does not have control over those issues and how they otherwise might be addressed.

Issue 8—Some commenters stated that social effects to wolf packs from killing alpha males and females (i.e., breeders) were not considered, nor were effects to pack structure and productivity from killing subadults and pups. Others thought removing entire packs would fragment populations and prevent genetic exchange.

Response 8—As explained in the preamble, wolf packs and populations are known to be very resilient to a number of causes of mortality, including human-caused, as long as there is adequate food and a surrounding population with dispersing individuals to provide replacements. Ultimately, the population's productivity in terms of recruitment and immigration is what allows it to persist under human harvest (Fuller, *et al.* 2003, pp. 184–185). Populations with average or high productivity can withstand higher levels of take, especially if populations that can provide replacements are nearby (Fuller, *et al.* 2003, pp. 184–185). Population size, proximity of other wolf packs, and the number of dispersing wolves influence the frequency with which alpha males and females will be replaced (Brainerd , *et al.* in press, pp. 15–16). Wolf populations in the NRM where this rule applies are characterized by robust size, high productivity, and closely neighboring packs, and have many dispersers (Jimenez, *et al.* in prep). Therefore, social vacancies, whether from loss of breeders or nonbreeders, in these areas are likely to be quickly filled by dispersing wolves or other wolves within the pack. Often subadults and pups are the first to be removed in wolf control programs because they tend to be naive and, therefore, more vulnerable to take. Vacancies from loss of subadults and pups, like other age-class vacancies,

are likely to be readily filled by dispersers or new offspring, given the ready supply of dispersers from core refugia in the NRM. If an entire pack is removed, a new pack is likely to form for the same reasons as described earlier in this preamble. Therefore, gaps that would fragment populations and disrupt genetic exchange are not likely to occur in the NRM wolf population.

Issue 9—Some commenters stated that localized wolf control would create population sinks that deplete nearby source populations. Others thought wolf control to relieve unacceptable ungulate impacts would be futile because wolves would constantly fill in vacancies created by control actions.

Response 9—We agree that the vacancies created by wolf control (or other forms of wolf mortality) are likely to be filled with wolves from other packs. However, in the NRM this situation is not likely to constitute a population sink that depletes or affects stability of source populations (*core refugia*). Wolves disperse from their natal packs regardless of human-caused mortality elsewhere. Wolf populations and packs routinely turn over members (Mech 2007). Vacancies created by wolf control are most likely to be filled by young adult dispersers that leave their packs because they are unable to breed or as an evolutionary strategy to avoid inbreeding (VonHoldt, *et al.* 2007), because they are attempting to increase access to food (Mech and Boitani 2003, p. 12), or due to social tensions in their natal pack (Mech and Boitani 2003, p. 13). Such individuals would not have directly contributed, through breeding, to the productivity of the packs they left. Although some of these dispersers may have filled other vacancies within the source population and had the potential to breed there, those vacancies will be quickly filled by other dispersing wolves or wolves within those packs (Fuller, *et al.* 2003, p. 181 and 183). As described earlier in this preamble, core refugia in the NRM wolf population provide a constant source of dispersers. While removing a pack may draw another pack into that area, approved wolf removal under this rule will not be at a rate and level (see preamble) that would create a void large and long enough in the core refugia to impact the stability of the wolf populations in the NRM.

While vacancies created by wolf control are likely to be filled, wolf density in the control area could be temporarily lowered to the extent that would allow the ungulate herd or population to respond, depending on the proposed level and duration of control. For example, control on an annual basis for 3 to 5 years may decrease predation and relieve impacts to the herd or population enough to allow the population to return to management objective levels. As long as other major causes of ungulate population impacts have been addressed, the lowered post-control wolf density should allow the ungulate herd or population to remain at management objectives. Wolf removal as envisioned under this rule is limited in time until the ungulate herd meets its management objectives or until it is evident that wolf removal is not having a positive effect on the herd's status. If the required monitoring shows that the desired results are not achieved under the terms of the approved proposal, we would expect the State or Tribe to reevaluate whether continued control is warranted. If wolf densities and ungulate depredation return to levels that cause the ungulate herd or population to decline below management objectives again, the State or Tribe would need to submit another proposal under the processes required by this rule.

Issue 10—Commenters provided several reasons why they believe the NEP special rule was inappropriate, such as: (1) Wolves keep ungulate herds healthy by culling the sick and weak; (2) it allows killing of wolves for preying on their natural prey; (3) wolves are keystone predators that play an important role in the ecosystem; and (4) wolves decrease impacts of ungulate herds on riparian vegetation.

Response 10—Although wolves often prey on the less fit individuals of a prey population, they can also kill healthy animals resulting in additive mortality that can contribute to failure to sustain State or Tribal ungulate management objectives. We agree that ungulates are part of wolves' natural prey base and that wolves can play an important role in ecosystem function, as do other large predators. However, the anticipated levels of wolf removal under this NEP special rule would not result in disruption of ecosystem functions or meaningful impacts on other species that benefit from wolf presence. The most dramatic improvement of riparian vegetation after the return of wolves appeared to reduce elk browsing pressure is in Yellowstone National Park, where this rule does not apply and wolf control would not be allowed. However, the magnitude of cascading ecological effects from wolves is under some debate (Ripple and Beschta 2004, p. 755), and a number of biotic and abiotic factors are believed to affect woody browse conditions along with changes in ungulate behavior due to wolf presence (Smith, *et al.* 2003, pp. 338–339). Given observations in Yellowstone National Park and depending on a variety of conditions, removal of wolves to meet State or Tribal ungulate management objectives for a particular herd or population may result in increased browsing pressure in those localized areas. However, balancing management of ungulate populations with that of plant communities and habitats outside Federal lands is under the purview of State and Tribal natural resource agencies, not the Act.

Issue 11—Some commenters were concerned that wolf control would prevent wolves from re-establishing in neighboring States that do not currently have wolf populations.

Response 11—Given the levels and extent of anticipated control of wolves for unacceptable ungulate impacts, we do not expect wolf numbers to be reduced enough to cause a meaningful reduction in the probability of dispersers reaching other States.

Issue 12—Some commenters believed that we improperly considered economic, political, or other factors in developing the proposed rule. Some believed we were influenced by special interests and State politicians, while others thought we favored environmental interests and the public outside the affected region. Several commenters believed that we neglected to address economic impacts to the tourist industry in the Yellowstone area and provided a citation on the economic benefits of wolves (Duffield, *et al.* 2006, p. 51). Others expressed that wolf predation on ungulates has negatively affected local economies by reducing clients for outfitters and guides and causing elk to move from feed grounds into areas where they cause damage and transmit disease to livestock.

Response 12—The Act requires that the decision to list a species as threatened or endangered be based on the best available science, and this prohibits economic considerations when making that decision. However, no similar prohibition is applicable to the promulgation of a 10(j) rule, and economic and other factors, including the effects on other wildlife populations, are appropriate for consideration. In promulgating this regulation, we have fully complied with the requirements of the Administrative Procedures Act. Moreover, we have addressed the various benefits and costs associated with this rulemaking as required by the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act (SBREFA) (see Required Determinations section).

In particular, the expected level of wolf control resulting from this rule and the fact that this rule does not apply within Yellowstone National Park, where most of the public now goes to view wolves, will not affect wolf numbers and distribution in a manner that will significantly alter the opportunities for the public to observe and enjoy wolves in the wild. Therefore, we do not expect wolf-based tourism and dependent economies to be materially affected. We also acknowledge that in some situations this rule may result in economic benefits for guides and outfitters, and possibly other associated businesses, if wolf control results in higher ungulate populations that allow higher rates of hunter harvest.

Issue 13—Some commenters believed that we are promoting public intolerance by allowing killing of wolves for natural predation and others questioned the basis of our statement that the revision to the NEP special rule may increase public tolerance and decrease illegal take. Others suggested that public education should be used to reduce anti-wolf sentiments instead of controlling wolves.

Response 13—Because wolves are currently at population levels much higher than recovery goals, we believe it is appropriate to provide increased management flexibility to address conflicts between wolves and human uses. It is not unreasonable to assume that incentives for illegal take of wolves would be diminished by providing a legal and responsible mechanism for addressing those issues that are part of the basis for intolerance of wolves. However, because data are not available to support or disclaim this premise, we have removed this claim from the EA. State and Federal agencies, such as the National Park Service (NPS), and numerous conservation organizations continue to provide the public extensive information about wolf biology, ecology, and behavior.

Issue 14—Some, including one peer reviewer, questioned how we would be able to determine that a killed wolf had been chasing or harassing a dog or stock animal, when such activities would not result in physical signs on the subject of the attack.

Response 14—Making such a determination may be difficult in some cases, especially if the incident is not reported quickly because such evidence is generally temporary in nature. The requirement for reporting within 24 hours of take of the wolf will help ensure that the evidence is available upon investigation. If no actual biting, wounding, grasping, or killing has occurred, evidence must be available that a reasonable person would have believed that it was likely to occur at any moment. In such cases, we expect that the wolf carcass would be in very close proximity to the stock animal or dog or evidence that the stock animal or dog was chased, molested, or harassed by wolves. Evidence to indicate this activity may include photographs of stock animals or dogs, pickets, temporary livestock corrals or camps, the wolf carcass, and the surrounding area immediately following the taking of the wolf, and/or tracks of the stock animal or dog and wolf, hairs, damaged vegetation, or trampled ground. Since the 2005 special rule went into effect, 27 wolves have been killed while in the act of attacking livestock and, based on the evidence, the resulting investigations resulted in determinations that most of these wolves had been chasing, molesting, or harassing livestock. In two additional incidents where wolves were killed, one person was charged and convicted for violating the law and a second person is under investigation because the evidence did not indicate that wolves were in the act of attacking livestock. Thus, staff from State and Federal agencies involved with livestock depredations have developed expertise in determining wolf activities from field evidence and in most cases can make a reasonable determination whether that evidence indicates that a wolf was in the act of attacking the stock animal or dog.

Issue 15—The Wildlife Services division of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service indicated that language in the proposed rule implied that dogs are safe from wolf attack if they are near humans and provided information on some reports of wolves killing pet, herding, and guarding dogs with humans nearby (USDA 2007, p. 1).

Response 15—Although wolf attacks on dogs in the presence of humans are extremely rare, we acknowledge that the possibility exists. Hence, the revision to the NEP special rule to provide individuals the additional flexibility to defend their dogs against wolf attacks. We have added the information on reported attacks in the preamble of this final rule.

Issue 16—Several commenters were concerned that wolves would be killed when attracted to dogs used for hunting, or when protecting pups.

Response 16—The rule prohibits killing of wolves with the use of intentional baiting, feeding, or deliberate attractants of wolves. For example, it would be unlawful to knowingly approach a wolf den or rendezvous site with a dog and then attempt to shoot those wolves. Anyone who uses dogs to deliberately attract wolves to kill them while in the guise of hunting would also be in violation of the law. On the other hand, the rule is intended to allow hunters to protect their hunting dogs from wolves that are in the act of attacking their dogs, if the hunter did not knowingly attract those wolves to the dogs.

Issue 17—One peer reviewer thought we should clarify what take this NEP special rule would allow in national parks and asked for clarification of what the ''legally present'' requirement means.

Response 17—This NEP special rule does not authorize any take of wolves on lands administered by the National Park Service. ''Legally present'' means that the person is (1) on their own property, (2) not trespassing and has the landowner's permission to bring their stock animal or dog on the property, or (3) abiding by regulations governing legal presence on public lands. As a means of clarification we have included this definition in this NEP special rule (see Changes From the Proposed Rule section).

Issue 18—We received requests that goats be added to the definition of stock animals in the revised NEP special rule, because goats are used as pack animals in areas of the NRM where wolves could be a threat.

Response 18—We revised the definition of stock animals to add goats to the list (see Changes From the Proposed Rule section).

C. Comments on Processes and Requirements

Issue 19—Questions arose from commenters and peer reviewers regarding how approvals of proposals to control wolves could be scientifically based, as required by the NEP special rule, should State or Tribal management objectives for ungulate populations or herds have no biological basis. Some feared that management objectives would be deliberately inflated as an excuse to kill wolves. Others, including two peer reviewers, were concerned that management objectives may be set on carrying capacity for ungulates without consideration of the presence of wolves and thus unattainable with wolves in the system. Another peer reviewer stressed that ungulate populations at high densities relative to available resources will have low productivity regardless of wolf predation. This peer reviewer suggested that we provide a list of potential morphological indices of population vigor related to resource availability (such as antler size, hind leg length, and newborn calf weight) that

States and Tribes could consider in the development of management objectives.

Response 19—We agree that determining the scientific validity of a proposal to control wolves to restore ungulate herd or population management objectives would be difficult without a clear picture of the basis of those objectives. However, because the States and Tribes are experts in management of their ungulate populations, and management objectives may need to be determined by a number of complex factors and can change depending on conditions, we have elected not to direct specific factors the States and Tribes should consider in the establishment of their management objectives. Instead, we have added a requirement that the basis of the State or Tribal management objectives for the affected ungulate herd or population be described in the proposals for wolf control (see Changes From the Proposed Rule section). The NEP special rule also requires any such proposal for wolf control to include a description of the data indicating that the ungulate herd or population is below management objectives and why wolf control is a warranted solution to restore the herd or population to management objective levels. If management objectives are not being met because ungulate productivity is affected by its population density, the State or Tribe will still have to demonstrate in the proposal that the removal of wolves will help restore the ungulate herd or population to management objectives because wolves are a major factor in the decline of the herd or population. We believe that inclusion of such information in the proposal, combined with the required peer review and public comment processes, will enable us to make a sound science-based determination on whether the proposed wolf control is appropriate.

Issue 20—We received requests to include a trigger in the rule to allow wolf control when calf/cow ratios in elk populations drop below 30 calves per 100 cows.

Response 20—As explained in Response 19, we will rely on the States and Tribes to provide in their proposals specific information indicating that ungulate herd or population objectives cannot be met. With respect to this comment, the proposal will need to demonstrate that a specific calf/cow ratio indicates that the herd or population will be unable to meet the established management objectives that wolves are a primary cause of the inability to meet management objectives, and that wolf control will resolve this problem.

Issue 21—Some commenters wanted the definition of unacceptable impacts to include effects caused by wolves at key ungulate feeding areas or feed grounds. Others expressed disapproval that wolf control would be allowed for merely causing ungulate herds or populations to move from normal feeding areas.

Response 21—As explained in Response 19, we do not specify factors that the State or Tribe must consider in the establishment of their ungulate management objectives. If the State or Tribe proposes to control wolves because they are affecting ungulates at key feeding areas, we will expect the proposal to include information that demonstrates that management objectives cannot be met because wolves are disrupting ungulate feeding patterns and behavior. The proposal should provide support linking wolf activities at the feeding areas with disruption of ungulate feeding, poor nutrition in ungulates, and effects to survival and recruitment of ungulates as a consequence.

Issue 22—Some commenters thought that the Service, rather than the State or Tribe, should select peer reviewers or at a minimum have the option to reject peer reviews of proposals to control wolves for unacceptable ungulate impacts. Others recommended that we drop the requirement for peer and public review altogether so that wolf control actions would not be delayed when critically needed.

Response 22—Independent peer review plays an important role in maximizing the quality, objectivity, utility, and integrity of the information upon which we will base our decisions. Peer review will help ensure that such information is the best scientific and commercial information available. Because the relationships between ungulate populations and wolves and other factors affecting such populations are highly complex, peer review from those with expertise in these relationships is even more critical in evaluating whether proposed wolf control is appropriate. Through their extensive level of experience with ungulate conservation, State and Tribal game and fish agencies have access to experts on predator-prey relationships in the academic and scientific communities. Assigning the responsibility to conduct peer reviews to each State and Tribe proposing to control wolves will result in a more efficient process.

In this final NEP special rule, we clarify that the States and Tribes will be required to follow the OMB Final Information Quality Bulletin for Peer Review (70 FR 2664, January 14, 2005), which provides the professional standards that the Service uses in soliciting peer review from independent experts who have demonstrated expertise and specialized knowledge on the relevant issues. We also added details to the NEP special rule to clarify the requirements for peer review of wolf control proposals. Specifically, before submitting a wolf control proposal to us for approval, the State or Tribe will need to obtain five independent peer reviews of the proposal. To avoid a potential appearance of conflict of interest, those peer reviews must be obtained from experts other than staff of State, Tribal, or Federal agencies directly or indirectly involved in predator control or ungulate management in Montana, Idaho, or Wyoming. The State or Tribe also must explain in their proposal how the standards of the OMB peer review bulletin were considered and satisfied (see Changes From the Proposed Rule section).

Wolf predation significantly impacting ungulate populations is known to occur only in combination with a number of other causes of population declines. The relationships between these other factors, wolves, and prey populations are very complex and rarely result in a sudden precipitous decline requiring response in less than the normal time to conduct peer reviews and a public comment process.

Issue 23—A number of commenters objected to approval of any State or Tribal programmatic proposal for wolf control because they feared such an approach would allow the States or Tribes to rely on claims of broad-based ungulate impacts rather than providing evidence of localized impacts to a particular herd or population. Some commenters were also concerned that peer reviewers would not be able to predict the significance of the role of wolf predation in future ungulate impacts given the complex nature of interrelated factors affecting ungulate populations. Some also believed that programmatic proposals would limit the ability of the public to comment on issues related to local conditions and specific actions that would not be evident at the time of public review of the programmatic proposal. A commenter asked what the consequences would be if a control project was not consistent with an approved programmatic proposal. On the other hand, some promoted acceptance of programmatic proposals because such an approach would allow

States and Tribes to expeditiously address wolf impacts without delay associated with peer and public review on each individual control action.

Response 23—The NEP special rule does not discuss programmatic proposals per se. A programmatic proposal could be approved if it adequately addresses all the criteria required by the NEP special rule to show that the science supports the need for the proposed wolf control and has undergone all the procedural requirements for submission to the Service. We expect a programmatic proposal to clearly delineate specific conditions that would warrant wolf control for the period of time and geographic area covered by the proposal. Furthermore, before we could approve a programmatic proposal, we would have to be able to determine that control under such a proposal would not contribute to reducing the wolf population in the State below 20 breeding pairs and 200 wolves.

A programmatic proposal must undergo the same peer and public review processes as would a specific proposal. As stated above, a programmatic proposal would need to contain enough details to show that the required criteria for approving wolf control have been met. During review, peer reviewers and the public would have the opportunity to provide input on whether the details are sufficient or appropriate in such a programmatic proposal.

If a specific control action is not consistent with the approved programmatic plan, it would be subject to enforcement of the Act's existing regulations governing NEPs of the gray wolf.

As explained in our response to Issue 22, typical times for peer review and public comment processes are not expected to affect the timeliness of control actions.

Issue 24—Some commenters wanted the regulations to include and describe an appeal process for the approval or disapproval of a proposal to control wolves for ungulate impacts. We also received requests that the regulations require specific means for public review of proposals, such as posting proposals on the Internet and providing 60-day comment periods. Others asked how we would rescind an approval if a State or Tribe continued to control wolves if the State's population dropped below the special rule's safety margin of 20 breeding pairs and 200 wolves.

Response 24—We encourage States and Tribes to work closely with us while developing their proposals to ensure that all the required criteria in the regulations will be met. Based on expected coordination with the States and Tribes, we do not believe an appeal process for disapproved proposals is necessary. We believe that transparency of the peer review and public comment processes, the NEP special rule's criteria for an approvable proposal, and our standards for the use of the best scientific and commercial information available preclude the need for an appeal process. Furthermore, should we disapprove a proposal, we would explain the reasons for the disapproval, and the State or Tribe may revise the proposal and resubmit it for further consideration.

In the NEP special rule, we intend to allow for a transparent process for review of wolf control proposals by requiring the State or Tribe to implement peer reviews and a public comment period. The methods and processes for providing adequate and reasonable public review and input will be determined by the State or Tribe submitting a wolf control proposal.

Monitoring of wolf populations (see Response 26) will provide a feedback loop that would inform the State or Tribe if the control actions are no longer appropriate or in danger of noncompliance with the regulations. If a State or Tribe continued to take wolves after the State's wolf population dropped below the rule's safety margin, the State or Tribe will be in violation of the law and subject to an investigation and further action by the Service's Division of Law Enforcement.

Issue 25—We received thousands of comments asking to prohibit aerial gunning as part of wolf control actions and some suggesting that the proposed revisions to the NEP special rule would violate the Airborne Hunting Act. Other commenters asked for prohibitions on a variety of methods, including but not limited to hunting, trapping, poisoning, and killing with motorized vehicles. One peer reviewer expressed a preference for hunting and trapping over aerial gunning and poisoning to gain more public acceptance of control measures. Some commenters objected to the use of trapping and poisoning on public property. Some commenters suggested using various forms of nonlethal control before resorting to killing wolves.

Response 25—The States will likely use shooting from the ground and air as the primary method of control of wolves for ungulate impacts. These methods are considered the most efficient and humane of those available. Based on the experience and expertise of State agency staff, we believe the States should be allowed the flexibility to determine the appropriate methods of control within the confines of existing laws and regulations. This NEP special rule does not supersede or invalidate any other Federal, State, or Tribal laws and regulations, including the Airborne Hunting Act. All management activities under this NEP special rule must be conducted in compliance with all other applicable laws and regulations. Furthermore, if control methods result in take of wolves exceeding the level in an approved proposal under this NEP special rule, the control actions must cease and will be subject to enforcement under the Act.

We and our partners in wolf recovery continue to investigate and implement a variety of nonlethal methods of wolf management. While preventative and nonlethal control methods can be useful in some situations, they are not consistently reliable, so lethal control remains a primary tool for managing wolves affecting ungulate populations, livestock, and domestic animals.

Issue 26—Some commenters, including two peer reviewers, said that the rule should include a requirement for monitoring to determine effectiveness of wolf control actions and a process for adaptive management. Some questioned how monitoring by the States or Tribes would be funded or urged us to provide such funding.

Response 26—In the NEP special rule's requirement for wolf control proposals to include a description of how ungulate population responses to wolf removal will be measured, we now specify that the proposal must describe how control actions will be adjusted to maintain their effectiveness. While the wolf is listed, Idaho and Montana receive Federal funding to conduct wolf population monitoring, and we provide staff to conduct monitoring in Wyoming. Wolf control for livestock depredation is reported informally on a weekly basis and officially in annual reports. The annual reports include comprehensive information on control actions, wolf population status, and analyses of the effectiveness of wolf control for livestock depredation. This reporting mechanism will be used for wolf control actions for unacceptable ungulate impacts under this rule. We expect the annual reports to include an evaluation of the effectiveness of wolf control and other measures in relieving unacceptable impacts to ungulate herds or populations just as is done for wolf control for livestock depredation. An adaptive management framework for wolf control for unacceptable ungulate impacts may entail slight modifications to the approved control actions. However, any necessary changes that

would increase level and duration of take of wolves or impacts to wolf populations that were not considered for the approval of the control actions will require submission of a new proposal and must comply with the rule's criteria and procedures for approval. The Idaho Department of Fish and Game's proposal for wolf control, submitted in 2006 (Idaho Department of Fish and Game 2006, pp. 20–21), provides an example of the type of information on proposed monitoring that should be included.

Wolf populations in the NRM have been and will continue to be intensively monitored. This monitoring is conducted by the Service, NPS, Nez Perce Tribe, and the States of Idaho, Montana, and Wyoming and will help provide information on any effects to wolf populations from wolf control actions. Currently, Idaho and Montana receive Federal funding for wolf management and monitoring. Such funding is likely to continue at least until the wolf is delisted. While the wolf is listed, the Service provides funding and staff to conduct wolf management and monitoring in Wyoming outside the national parks. The NPS covers funding for monitoring in the national parks, but wolf control under this rule will not occur there.

Issue 27—A couple of commenters claimed that the proposed rule is arbitrary and capricious because (1) the post-delisting wolf management plans, required for a State or Tribe to be eligible to use the NEP special rule, would be implemented only after delisting, yet we could approve wolf control before then, and (2) the Act provides no basis for allowing wolf control before delisting based on how a State or Tribe might manage wolves after delisting.

Response 27—The requirement for approved post-delisting management plans for a State or Tribe to be eligible to apply the revised NEP special rule is not based on the specifics of wolf management after delisting, when the NEP special rule will no longer exist. Development of a wolf management plan demonstrates that the State or Tribe has undertaken a formal process that commits it to a management strategy for sustaining wolf recovery. This commitment assures that any proposal to remove wolves will be in alignment with long-term wolf conservation and not based solely on a goal to benefit ungulate populations. In addition, adoption of the wolf management plan will demonstrate that the wildlife agency has received the necessary local political and administrative support within the State or Tribe for implementing the plan and approved wolf control.

Issue 28—We received requests, including from a State agency, to increase the required reporting period after a wolf is killed from 24 to 72 hours to accommodate instances where the take occurred in remote areas.

Response 28—In recognition of the need for a greater reporting time in certain situations, 50 CFR 17.84(n)(6) already allows for reasonable additional time for reporting if access to a site is limited. We believe this existing provision appropriately addresses the concern raised by the commenter and that no modification is needed.

Issue 29—One commenter recommended that the NEP special rule specifically prohibit trapping of wolves in primary conservation areas for grizzly bears.

Response 29—Only two grizzly bears have been accidently trapped since trapping wolves for monitoring and livestock control purposes began in 1986. The type of trap in one incident is now used by State or Federal agency staff only when grizzly bears are hibernating. In the other incident in Glacier National Park, a trapped bear was killed by another bear. Currrently, several measures are implemented to minimize accidental trapping and safety issues for nontarget species and agency staff (unintentional trapping of bears is much more dangerous to agency staff than it is to the bears). Some of these measures include the use of transmitters on traps to detect sprung traps, careful placement of traps, and use of less odorous bait to minimize attracting bears. If a bear is accidentally trapped, agency staff dart and release it. Therefore, wolf control authorized by this NEP special rule is highly unlikely to compromise grizzly bear conservation.

Issue 30—Some commenters requested additional time for public comment. Some believed that we did not advertise the hearings and public comment periods sufficiently. Some objected that hearings were not held in major population areas such as Denver, Colorado, or Portland, Oregon.

Response 30—We provided a total of 60 days in two separate 30-day periods for public comment. We announced information on the comment period and hearings in the **Federal Register** notice of the proposed rule, our national Web site, and regional Web sites in the two affected regions. We also provided legal notices of the comment period and hearings for publication in 11 major and local newspapers in Idaho, Montana, and Wyoming. We sent out press releases to print and broadcast media; members of Congress; relevant State, Tribal, Federal, and local agencies; and hundreds of interested parties in Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota, Nebraska, and Kansas. We also sent information on the opportunity for public comment to two major national environmental organizations that distributed the information to their membership, on their Web sites, and to other organizations that made similar efforts. Given that we received more than 260,000 comments from throughout the country, we believe sufficient notice and time was provided for widespread public comment. In selecting hearing locations, we believe that we achieved a balance between proximity to the most affected public in the three States where the rule would apply and the public's accessibility to the hearing locations.

D. Comments on Legal Compliance With Laws, Regulations, and Policies

Issue 31—The proposed revised special rule is not in compliance with section 2 of the Act nor does it conform to the purposes of section 10(j) because it does not further the conservation of the species. The proposed revisions are tantamount to delisting and in violation of Section 4 of the Act by allowing take as if the species was not listed.

Response 31—The regulations under the Act relating to establishment of experimental populations specifically recognize the creation of special rules containing both prohibitions and exceptions for those populations (50 CFR 17.82). Under section 10(j), such exceptions are intended to allow management practices to address potential negative impacts or concerns from reintroductions. The 10(j) special regulations of 1994 and 2005 for the NEP of the gray wolf in the NRM include provisions for managing wolf populations impacting livestock and ungulate populations. Such provisions are necessary for the continued enhancement and conservation of wolf populations because they foster local tolerance of introduced wolves. However, these revisions do not alter the protected status of the gray wolf in the NRM provided under section 4 of the Act. The reintroduction of the gray wolf into Central Idaho, Southwestern Montana, and Yellowstone National Park under the 10(j) provisions clearly furthered the conservation of the species. Since 1995, when the reintroductions first occurred, wolf populations expanded in size and distribution and reached the minimum recovery goals in 2000 and have exceeded those goals every year since then. As described above, our

modifications to the provisions of the 2005 special rule do not compromise the continued conservation of these populations in this remarkable recovery success story.

Issue 32—One commenter thought that we should prepare an environmental impact statement rather than an EA to comply with the National Environmental Policy Act (NEPA) because the rule would allow the killing of nearly 1,000 wolves, constituting a major Federal action significantly affecting the quality of the human environment.

Response 32—As a result of the analysis in the EA, we made a finding of no significant impact because we concluded, among other reasons, that the likely amount of take of wolves that the rule would authorize would be relatively low and would not compromise recovery of the NRM wolf population. Based on the current available information where wolves may be causing unacceptable impacts to ungulate populations, it is our expectation that the total number of wolves taken would be well below 1,000.

E. General Comments on the Proposed Rule

Issue 33—The State of Montana supported all aspects of the revisions to the 10(j) special rule, but did not want efforts to finalize it to take priority over, and thus delay, finalizing the delisting rule.

Response 33—The Service remains committed to finalizing both the 10(j) rule and its decision on the proposed delisting rule in early 2008. The revised 10(j) special rule is intended to provide flexibility for wolf management in the NEP areas (including in Montana) in case the final determination on the delisting is delayed or concludes the wolf should remain listed.

F. Comments Not Germane to the Revisions of the Special Regulations

Some comments went beyond the scope of this rulemaking, or beyond the authority of the Service or the Act. Since these issues do not relate to the action we proposed, they are not addressed here. These comments included support or opposition for future delisting, assertions that wolf reintroduction was illegal and/or usurped States' rights, and that the type of wolf that currently lives in Montana, Idaho, and Wyoming is a nonnative wolf. Many of these types of comments were discussed in the reclassification rule (68 FR 15804, April 1, 2003). We also received comments expressing support for, and opposition to wolf recovery efforts and the proposal (or parts of it) without further explanation.

Changes From the Proposed Rule

As a result of comments and additional information received during the comment period, and additional analysis, we made several changes to the special rule as proposed on July 6, 2007 (72 FR 36942). We describe the specific changes below. Discussion of the basis for these changes are in our responses to the relevant comments where indicated below.

1. Proposed—Among the criteria States or Tribes would be required to address in a proposal to control wolves for unacceptable impacts to ungulate herds or populations was ''Identifies possible remedies or conservation measures in addition to wolf removal.''

1. Final—The requirement is changed to ''Demonstrates that attempts were and are being made to address other identified major causes of ungulate herd or population declines or the State or Tribal government commitment to implement possible remedies or conservation measures in addition to wolf removal; * * *.'' See Response 7 in Summary of Comments and Recommendations.

2. Proposed—Defined ''stock animal'' as a ''horse, mule, donkey, or llama used to transport people or their possessions.''

2. Final—The definition of ''stock animal'' is changed to ''a horse, mule, donkey, llama, or goat used to transport people or their possessions.'' See Response 18 in Summary of Comments and Recommendations.

3. Proposed—Required States and Tribes to describe data showing that ungulate herds or populations are below management objectives, but did not require a description of the basis of the management objectives.

3. Final—In proposals for wolf control to address unacceptable ungulate impacts, in addition to other criteria States and Tribes must meet, the basis of the ungulate management objectives must be described. See Response 19 in Summary of Comments and Recommendations.

4. Proposed—Required States and Tribes to conduct peer review of wolf control proposals before submission to the Service for approval, but did not provide details of peer review requirements.

4. Final—The rule now specifies that the State or Tribe must conduct the peer review process in conformance with the OMB's Final Information Quality Bulletin for Peer Review and obtain five peer reviews from experts on the related issues, other than those employed by State, Tribal, or Federal agencies directly or indirectly involved in predator control or ungulate management. See Response 22 in Summary of Comments and Recommendations.

5. Proposed—Required State or Tribal proposals to control wolves for unacceptable ungulate impacts to include a description of how ungulate population responses to wolf control would be measured, but did not address adaptive management.

5. Final—The rule now includes a requirement that the proposal describe how control actions will be adjusted for effectiveness. See Response 26 in Summary of Comments and Recommendations.

6. Proposed—Referred to the individuals to whom the take provisions in this rule would apply as ''citizens''.

6. Final—To be consistent with the language in the Act, the rule now substitutes the word ''person'' for ''citizen''.

7. Proposed—Specified that individuals must be ''legally present'' on private or public land in order to lethally take wolves in defense of their stock animals and dogs, but did not provide a description of what we meant by ''legally present''.

7. *Final*—As a means of clarification this rule now includes a definition of when a person is ''Legally present''. See Response 17 in Summary of Comments and Recommendations.

Required Determinations

Regulatory Planning and Review—In accordance with the criteria in Executive Order 12866, this rule is a significant regulatory action and subject to Office of Management and Budget (OMB) review. An economic analysis is not required because this rule will result in only minor and positive economic effects on a small percentage of people in Idaho, Montana, and Wyoming.

(a) This regulation will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A brief assessment to clarify the costs and benefits associated with this rule follows:

Costs Incurred—Under this rule, management of wolves by States or Tribes with wolf management plans is voluntary. Therefore, associated costs to States and Tribes for control of wolves causing unacceptable impacts to ungulate herds or populations are discretionary. While we do not quantify expected expenditures, these costs may consist of staff time and salary as well as transportation and equipment

necessary to control wolves. Costs to the Service would include those associated with staff time and salary coordinating with States and Tribes during development of wolf control proposals and review and determination of approval of proposals.

We have funded State and Tribal wolf monitoring, research, and management efforts for gray wolves in Montana, Idaho, and Wyoming, and intend to continue to do so as long as wolves are listed in these States. For the past several years Congress has specifically provided funding for wolf management to Montana, Idaho, and Wyoming, and the Nez Perce. In addition, Federal grant programs are available that fund or partially fund wildlife management programs by the States and Tribes.

Benefits Accrued—The objectives of the proposed rule change are (1) to provide a means for States and Tribes with Service-approved wolf management plans to address the unacceptable impacts of a recovered wolf population to ungulate populations and herds, and (2) to allow persons in the boundaries of the NEP areas within any States or Tribal lands that has a Service-approved wolf management plan other than on lands administered by NPS to take wolves that are in the act of attacking their stock animals or dogs. Allowing wolf removal in response to unacceptable impacts will help maintain ungulate populations or herds at or above State or Tribal objectives. As a result, hunters and associated businesses, including guides, outfitters, and the hunting retail industry, may benefit from increased hunting opportunities. Increased hunting opportunities provide States with additional revenue which is used for wildlife management and habitat restoration, protection, and enhancement.

Allowing take of wolves in the act of attacking stock animals or dogs would have a beneficial economic impact to the affected individuals by allowing them to protect such private property, as well as avoid the need for persons to unnecessarily replace and retrain these animals.

(b) This regulation does not create inconsistencies with other agencies' actions. Agency responsibilities for section 7 of the Act are the same for this rule as the previous NEP special rules. This rule reflects the continuing success in recovering the gray wolf through long-standing cooperative and complementary programs by a number of Federal, State, and Tribal agencies. Implementation of Service-approved State or Tribal wolf management plans supports these existing partnerships.

(c) This rule will not alter the budgetary effects or entitlements, grants, user fees, or loan programs, or the rights and obligations of their recipients, because we do not foresee, as a result of this rule, any new impacts or restrictions to existing human uses of lands in Idaho, Montana, Wyoming, or any Tribal reservations that remain under the 1994 NEP special rules.

(d) OMB has determined that this rule could raise novel legal or policy issues.

Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*)

Under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*, as amended by the SBREFA of 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. The SBREFA also amended the Regulatory Flexibility Act to require a certification statement. Based on the information that is available to us at this time, we certify that this regulation will not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

The revisions in this rule relax some of the previous restrictions on take of wolves and do not increase restrictions. For a discussion of how small entities may benefit from this increased flexibility see the Benefits Accrued section in the Required Determinations section above. One study indicated that the return of wolves to the NRM infused approximately $35.5 million to local economies from increased tourism to observe wolves in the wild (Duffield, *et al.* 2006, p.51). The expected level of wolf control resulting from this rule and the fact that this rule does not apply within Yellowstone National Park, where most of the public goes to view wolves, will not affect wolf numbers and distribution in a manner that would significantly alter the opportunities for the public to observe and enjoy wolves in the wild. Therefore, local small entities benefiting from tourism associated with wolf-viewing are not likely to see decreases in business as the result of the revisions to this rule.

Small Business Regulatory Enforcement Fairness Act

This regulation is not a major rule under 5 U.S.C. 801, *et seq.*, the SBREFA.

(a) This regulation will not have an annual effect on the economy of $100 million or more and is fully expected to have no significant economic impacts. The proposed regulation further reduces the effect that wolves will have on a few persons by increasing the opportunity for them to protect their stock animals and dogs. Since there are so few small businesses impacted by this regulation, the combined economic effects are minimal.

(b) This regulation will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions and will impose no additional regulatory restraints in addition to those already in operation.

(c) This regulation will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. Based on the analysis of identified factors, we have determined that no individual industries within the United States will be significantly affected and that no changes in the demography of populations are anticipated. The intent of this special rule is to facilitate and continue existing commercial activities while providing for the conservation of species by better addressing the concerns of affected landowners and the impacts of a recovered wolf population.

Unfunded Mandates Reform Act

This rule defines a process for voluntary and cooperative transfer of management responsibilities for a listed species back to the States. Therefore, in accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. This rule is not expected to have any significant economic impacts nor will it impose any unfunded mandates on other Federal, State, or local government agencies to carry out specific activities.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, this rule will not have significant implications concerning taking of private property by the Federal Government. This rule will substantially advance a legitimate government interest (conservation and recovery of listed species) and will not present a bar to all reasonable and expected beneficial use of private property. Because this proposed rule change pertains only to the relaxation of restrictions on lethal removal of wolves, it will not result in any takings of private property.

Federalism (Executive Order 13132)

This rule maintains the existing relationship between the States and the Federal Government. The State of Wyoming requested that we undertake this rulemaking in order to assist the States in reducing conflicts with local landowners and returning wolf management to the States or Tribes. We have cooperated with the States in preparation of this rule. Maintaining the recovery goals for these wolves will contribute to their eventual delisting and their return to State management. It is a voluntary decision whether to undertake Programs and actions to take wolves under this rule. This rule will not have substantial direct effects on the States, on the relationship between the States and the Federal Government, or on the distribution of power and responsibilities among the various levels of government. No intrusion on State policy or administration is expected; roles or responsibilities of Federal or State governments will not change; and fiscal capacity will not be substantially directly affected. Therefore, this rule does not have significant Federalism effects or implications to warrant the preparation of a Federalism Assessment pursuant to the provisions of Executive Order 13132.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Department of the Interior has determined that this rule does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of the order.

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) require that Federal agencies obtain approval from OMB before collecting information from the public. A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This rule does not contain any new collections of information that would require us to obtain OMB approval. OMB approval is required if information will be collected from 10 or more persons (5 CFR 1320.3). ''Ten or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period, including independent State, territorial, Tribal, or local entities and separately incorporated subsidiaries or affiliates. For the purposes of this definition, ''persons'' does not include employees of the respondent acting within the scope of their employment, contractors engaged by a respondent for the purpose of complying with the collection of information, or current employees of the Federal government when acting within the scope of their employment, but it does include former Federal employees. This rule includes a requirement that a State or Tribe requesting approval to control wolves for unacceptable ungulate impacts submit a proposal to us. However, as these proposals will only be submitted by States or Tribes with Service-approved wolf management plans, we do not anticipate that it will affect 10 or more persons, as defined above. Therefore, OMB approval and a control number are not needed for information collections associated with these proposals. Existing information collections already approved under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* include permit application forms, assigned OMB control number 1018–0094, and the notification requirements in our experimental population regulations under 50 CFR 17.84, assigned OMB control number 1018–0095.

National Environmental Policy Act (NEPA)

We have prepared an environmental analysis and finding of no significant impact, as defined under the authority of the NEPA of 1969. These documents are available from the Office of the Western Gray Wolf Recovery Coordinator (see **ADDRESSES** section) or from our Web site at *http://westerngraywolf.fws.gov/*.

Government-to-Government Relationship With Tribes (Executive Order 13175)

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have coordinated with affected Tribes within the experimental population areas of Idaho, Montana, and Wyoming on this rule. We have fully considered all comments on the proposed special regulations that were submitted by Tribes and Tribal members during the public comment period and have attempted to address those concerns, new data, and new information where appropriate.

Energy Supply, Distribution or Use (Executive Order 13211)

On May 18, 2001, the President issued Executive Order 13211 requiring agencies to prepare Statements of Energy Effects when undertaking certain actions that significantly affect energy supply, distribution, and use. This rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

References Cited

A complete list of all references cited in this rulemaking is available upon request from our Helena office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

■ 2. Amend § 17.84 by revising paragraph (n) as follows:

■ a. In paragraph (n)(3), revise the term ''unacceptable impact'' and, in alphabetical order, add the terms ''legally present,'' ''stock animal,'' and ''ungulate population or herd,'' to read as set forth below; and

■ b. In paragraph (n)(4), revise the first sentence following the heading and paragraph (n)(4)(v) and add paragraph (n)(4)(xiii) to read as set forth below:

§ 17.84 Special rules—vertebrates.

* * * * *

(n) * * *

(3) * * *

* * * * *

Legally present—A Person is legally present when (1) on their own property, (2) not trespassing and has the landowner's permission to bring their stock animal or dog on the property, or (3) abiding by regulations governing legal presence on public lands.

* * * * *

Stock animal—A horse, mule, donkey, llama, or goat used to transport people or their possessions.

Unacceptable impact—Impact to ungulate population or herd where a State or Tribe has determined that wolves are one of the major causes of the population or herd not meeting established State or Tribal management goals.

Ungulate population or herd—An assemblage of wild ungulates living in a given area.

* * * * *

(4) *Allowable forms of take of gray wolves.* The following activities, only in the specific circumstances described under this paragraph (n)(4), are allowed: Opportunistic harassment; intentional harassment; take on private land; take on public land except land administered by National Parks; take in response to impacts on wild ungulate populations; take in defense of human life; take to protect human safety; take by designated agents to remove problem wolves; incidental take; take under permits; take per authorizations for employees of designated agents; take for research purposes; and take to protect stock animals and dogs. * * *

* * * * *

(v) *Take in response to wild ungulate impacts.* If wolf predation is having an unacceptable impact on wild ungulate populations (deer, elk, moose, bighorn sheep, mountain goats, antelope, or bison) as determined by the respective State or Tribe, a State or Tribe may lethally remove the wolves in question.

(A) In order for this provision to apply, the State or Tribes must prepare a science-based document that:

(1) Describes the basis of ungulate population or herd management objectives, what data indicate that the ungulate population or herd is below management objectives, what data indicate that wolves are a major cause of the unacceptable impact to the ungulate population or herd, why wolf removal is a warranted solution to help restore the ungulate population or herd to State or Tribal management objectives, the level and duration of wolf removal being proposed, and how ungulate population or herd response to wolf removal will be measured and control actions adjusted for effectiveness;

(2) Demonstrates that attempts were and are being made to address other identified major causes of ungulate herd or population declines or the State or Tribe commits to implement possible remedies or conservation measures in addition to wolf removal; and

(3) Provides an opportunity for peer review and public comment on their proposal prior to submitting it to the Service for written concurrence. The State or Tribe must:

(i) Conduct the peer review process in conformance with the Office of Management and Budget's Final Information Quality Bulletin for Peer Review (70 FR 2664, January 14, 2005) and include in their proposal an explanation of how the bulletin's standards were considered and satisfied; and

(ii) Obtain at least five independent peer reviews from individuals with relevant expertise other than staff employed by a State, Tribal, or Federal agency directly or indirectly involved with predator control or ungulate management in Idaho, Montana, or Wyoming.

(B) Before we authorize lethal removal, we must determine that an unacceptable impact to wild ungulate populations or herds has occurred. We also must determine that the proposed lethal removal is science-based, will not contribute to reducing the wolf population in the State below 20 breeding pairs and 200 wolves, and will not impede wolf recovery.

* * * * *

(xiii) *Take to protect stock animals and dogs.* Any person legally present on private or public land, except land administered by the National Park Service, may immediately take a wolf that is in the act of attacking the individual's stock animal or dog, provided that there is no evidence of intentional baiting, feeding, or deliberate attractants of wolves. The person must be able to provide evidence of stock animals or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agents must be able to confirm that the stock animals or dogs were wounded, harassed, molested, or killed by wolves. To preserve evidence that the take of a wolf was conducted according to this rule, the person must not disturb the carcass and the area surrounding it. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.

* * * * *

Dated: December 27, 2007.

Kenneth Stansell,

Acting Director,

U.S. Fish and Wildlife Service.

[FR Doc. 08–334 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070627217–7523–02]

RIN 0648–AV70

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Region Standardized Bycatch Reporting Methodology Omnibus Amendment

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

ACTION: Final rule.

SUMMARY: NMFS is implementing approved management measures contained in the Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment (SBRM Amendment) to the Fishery Management Plans (FMPs) of the Northeast Region, developed by the Mid-Atlantic and New England Fishery Management Councils (Councils). The SBRM Amendment establishes an SBRM for all 13 Northeast Region FMPs, as required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The measures include: Bycatch reporting and monitoring mechanisms; analytical techniques and allocation of at-sea fisheries observers; an SBRM performance standard; a review and reporting process; framework adjustment and annual specifications provisions; a prioritization process; and provisions for industry-funded observers and observer set-aside programs.

DATES: This final rule is effective February 27, 2008.

ADDRESSES: Copies of the SBRM Amendment, and of the Environmental Assessment (EA), with its associated Finding of No Significant Impact (FONSI), and the Regulatory Impact Review (RIR), are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790; and from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/FONSI/RIR is also accessible via the Internet at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Michael Pentony, Senior Fishery Policy Analyst, 978–281–9283.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements approved management measures contained in the Northeast Region Omnibus SBRM Amendment, which was approved by NMFS on behalf of the Secretary of Commerce (Secretary) on October 22, 2007. A proposed rule for this action was published on August 21, 2007 (72 FR 46588), with public comments accepted through September 20, 2007. A subsequent publication extended this comment period through September 24, 2007 (72 FR 53751).

Section 303(a)(11) of the Magnuson-Stevens Act requires that all FMPs ''establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery.'' In 2004, several conservation organizations challenged the approval of two major amendments to Northeast Region FMPs. In ruling on these suits, the U.S. District Court for the District of Columbia found that the FMPs did not clearly establish an SBRM as required under the relevant section of the Magnuson-Stevens Act and remanded the amendments back to the agency to fully develop and establish the required SBRM [See, *Oceana, Inc.*, v. *Evans*, 2005, WL 555416 (D.D.C. Mar 9, 2005)(Oceana I); and *Oceana, Inc.*, v. *Evans*, 384 F. Supp 2d 203 (D.D.C. 2005)(Oceana II)]. In particular, the Court found that the amendments (1) failed to fully evaluate reporting methodologies to assess bycatch, (2) did not mandate an SBRM, and (3) failed to respond to potentially important scientific evidence.

In response, the Councils, working closely with NMFS, undertook development of a remedy that would address all Northeast Region FMPs. In January 2006, development began on the Northeast Region Omnibus SBRM Amendment. This amendment covers 13 FMPs, 39 managed species, and 14 types of fishing gear. The purpose of the amendment is to: Explain the methods and processes by which bycatch is currently monitored and assessed for Northeast Region fisheries; determine whether these methods and processes need to be modified and/or supplemented; establish standards of precision for bycatch estimation for all Northeast Region fisheries; and, thereby, document the SBRM established for all fisheries managed through the FMPs of the Northeast Region. The amendment also responds to the ''potentially important scientific evidence'' cited by the Court in the two decisions referenced above.

The Northeast Region SBRM Amendment establishes an SBRM comprised of seven elements: (1) The methods by which data and information on discards are collected and obtained; (2) the methods by which the data obtained through the mechanisms identified in element 1 are analyzed and utilized to determine the appropriate allocation of at-sea observers; (3) a performance measure by which the effectiveness of the Northeast Region SBRM can be measured, tracked, and utilized to effectively allocate the appropriate number of observer sea days; (4) a process to provide the Councils with periodic reports on discards occurring in Northeast Region fisheries and on the effectiveness of the SBRM; (5) a measure to enable the Councils to make changes to the SBRM through framework adjustments and/or annual specification packages rather than full FMP amendments; (6) a process to provide the Councils and the public with an opportunity to consider, and provide input into, the decisions regarding prioritization of at-sea observer coverage allocations; and (7) to implement consistent, cross-cutting observer service provider approval and certification procedures and to enable the Councils to implement either a requirement for industry-funded observers or an observer set-aside program through a framework adjustment rather than an FMP amendment.

Bycatch Reporting and Monitoring Mechanisms

The amendment maintains the status quo methods by which data and information on discards occurring in Northeast Region fisheries are collected and obtained. The Northeast Region SBRM will employ sampling designs developed to minimize bias to the maximum extent practicable. The Northeast Fisheries Observer Program (NEFOP) continues to serve as the primary mechanism to obtain data on discards in all Northeast Region commercial fisheries managed under one or more of the subject FMPs. All subject FMPs will continue to require vessels permitted to participate in said fisheries to carry an at-sea observer upon request, and all data obtained by the NEFOP under this SBRM will be collected according to the techniques and protocols established and detailed in the Fisheries Observer Program Manual and the Biological Sampling Manual. Data collected by the NEFOP include, but are not limited to, the following items: Vessel name; date/time sailed; date/time landed; steam time; crew size; home port; port landed; dealer name; fishing vessel trip report (FVTR) serial number; gear type(s) used; number/amount of gear; number of hauls; weather; location of each haul (beginning and ending latitude and longitude); species caught; disposition (kept/discarded); reason for discards; and weight of catch. These data are collected on all species of biological organisms caught by the fishing vessel and brought on board, including species managed under the subject FMPs, but also including species of non-managed fish, invertebrates, and marine plants. To obtain information on discards occurring in recreational fisheries subject to a Northeast Region FMP, the Northeast Region SBRM fully will incorporate, to the extent practicable and appropriate for the Region, all surveys and data collection mechanisms implemented by NMFS and affected states as a result of the agency-wide redesign of the Marine Recreational Fisheries Statistics Survey (MRFSS) Program.

Analytical Techniques and Allocation of At-sea Fisheries Observers

The amendment substantially expands and refines the status quo methods by which the data obtained through the mechanisms included above are analyzed and utilized to determine the appropriate allocation of at-sea observers to fully incorporate all managed species and all relevant fishing gear types in the Northeast Region. At-sea fisheries observers will, to the maximum extent possible and subject to available resources, be allocated and assigned to fishing vessels according to the procedures established through the amendment. All appropriate filters identified in the amendment will be applied to the results of the analysis to determine the observer coverage levels needed to achieve the objectives of the SBRM.

SBRM Performance Standard

The amendment is intended to ensure that the data collected under the Northeast Region SBRM are sufficient to produce a coefficient of variation (CV) of the discard estimate of no more than 30 percent, in order to ensure that the effectiveness of the Northeast Region SBRM can be measured, tracked, and utilized to effectively allocate the appropriate number of observer sea days. Each year, the Regional Administrator and the Science and Research Director will, subject to any external operational constraints, allocate at-sea observer coverage to the applicable fisheries of the Northeast Region sufficient to achieve a level of precision (measured as the CV) no greater than 30 percent for each applicable species and/or species group, subject to the use of the filters noted above.

SBRM Review and Reporting Process

The amendment requires an annual report on discards occurring in Northeast Region fisheries to be prepared by NMFS and provided to the Councils, and a report every 3 years that evaluates the effectiveness of the Northeast Region SBRM. Every 3 years, the Regional Administrator and the Science and Research Director will appoint appropriate staff to work with staff appointed by the Executive Directors of the Councils to obtain and review available data on discards and to prepare a report assessing the effectiveness of the Northeast Region SBRM. This report will include, at a minimum: (1) A review of the recent levels of observer coverage in each applicable fishery; (2) a review of recent observed encounters with each species in each fishery, and a summary of observed discards by weight; a review of the CV of the discard information collected for each fishery; (4) an estimate of the total discards associated with each fishery; (5) an evaluation of the effectiveness of the SBRM at meeting the performance standard for each fishery; (6) a description of the methods used to calculate the reported CVs and to determine observer coverage levels, if those methods are different from those described and evaluated in the SBRM Amendment; (7) an updated assessment of potential sources of bias in the sampling program and analyses of accuracy; and (8) an evaluation of the implications for management of the discard information collected under the SBRM, for any cases in which the evaluation performed for item 5 indicates that the performance standard is not met. Once each year, the Science and Research Director will present to the Councils a report on catch and discards occurring in Northeast Region fisheries, as reported to the NEFOP by at-sea fisheries observers. This annual discard report will include: (1) The number of observer sea days scheduled for each fishery, by area and gear type, in each quarter; (2) the percent of total trips observed, by gear type, in each quarter; (3) the distribution of sea sampling trips by gear type and statistical area in each fishery; (4) the observed catch and discards of each species, by gear type and fishery, in each quarter; and (5) the observed catch and discards of each species, by gear type and fishery, in each statistical area.

Framework Adjustment and/or Annual Specification Provisions

The amendment enables the Councils to make changes to certain elements of the SBRM through framework adjustments and/or annual specification packages rather than full FMP amendments. All subject FMPs provide for an efficient process to modify aspects of the Northeast Region SBRM, as relates to each specific FMP, should the need arise and the appropriate Council determine that a change to the SBRM is warranted and needed to address a contemporary management or scientific issue. Depending on the provisions of each FMP, changes to the SBRM may be effected either through a framework adjustment to the FMP or through annual or periodic specifications. Such changes to the SBRM may include modifications to the CV-based performance standard, the means by which discard data are collected/obtained in the fishery, reporting on discards or the SBRM, or the stratification (modes) used as the basis for SBRM-related analyses. Such changes may also include the establishment of a requirement for industry-funded observers and/or observer set-aside provisions.

Prioritization Process

The amendment establishes a process to provide the Councils and the public with an opportunity to consider, and provide input into, the decisions regarding prioritization of at-sea observer coverage allocations, if the expected resources necessary may not be available. In any year in which external operational constraints would prevent NMFS from fully implementing the required at-sea observer coverage levels, the Regional Administrator and Science and Research Director will consult with the Councils to determine the most appropriate prioritization for how the available resources should be allocated. In order to facilitate this consultation, in these years, the Regional Administrator and the Science and Research Director will provide the Councils, at the earliest practicable opportunity: (1) The at-sea observer coverage levels required to attain the SBRM performance standard in each applicable fishery; (2) the coverage levels that would be available if the resource shortfall were allocated proportionately across all applicable fisheries; (3) the coverage levels that incorporate the recommended prioritization; and (4) the rationale for the recommended prioritization. The recommended prioritization should be based on: Meeting the data needs of upcoming stock assessments; legal mandates of the agency under other applicable laws, such as the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA); meeting the data needs of upcoming fishery management actions, taking into account the status of each fishery resource; improving the quality of discard data across all fishing modes; and/or any other criteria identified by NMFS and/or the Councils. The Councils may choose to accept the proposed observer coverage allocation or to recommend revisions or additional considerations for the prioritized observer allocations ultimately adopted and implemented by the Regional Administrator and the Science and Research Director.

Industry-Funded Observers and Observer Set-Aside Program Provisions

The amendment implements consistent, cross-cutting observer service provider approval and certification procedures and enables the Councils to implement either a requirement for industry-funded observers and/or an observer set-aside program through a framework adjustment, rather than an FMP amendment.

Comments and Responses

A total of 11 individual comment letters were received on the proposed rule and the amendment.

Comment 1: A letter by representatives of a professional association for at-sea fisheries observers raised concerns regarding the provision of the SBRM Amendment that establishes observer certification and approval procedures to allow a multiple service delivery model under an industry-funded observer program. The commenters specifically focused on concerns related to the contractual relationship that would be established between the observer service provider

and the fishing vessel, rather than between the observer service provider and NMFS. The commenters refer to experience with a similar model utilized in Alaska under the North Pacific Groundfish Observer Program. The commenters cautioned that, in their opinion, such a contractual relationship may reduce the reliability of the data collected by the at-sea observers due to the potential for bias and conflict of interest. The commenters also cited concerns over quality control of the data due to the lack of direct oversight by the agency. To remedy the potential problems they identified, the commenters suggested that NMFS evaluate the performance of approved observer service providers on an annual basis, increase Federal funding for observers contracted by and paid for by NMFS, and/or utilize an independent non-profit organization (either an existing organization such as the Atlantic States Marine Fisheries Commission or an organization created specifically for this purpose) to provide an ''arms-length'' relationship between the fishing industry, NMFS, and observer service providers.

Response: NMFS acknowledges that a perceived conflict of interest could be a potential issue for some types of industry-funded observer programs. Rigorous data quality assurance and control standards, observer training and certification programs, and frequent reviews and oversight of the observer data collection programs are all means to address these concerns. NMFS acknowledges that some of the issues raised by the commenter regarding the North Pacific Groundfish Observer Program have been previously identified as potential concerns with that model, but notes that there are significant differences between the North Pacific program and the single industry-funded program that is currently in place in the Northeast Region. These differences include the observer set-aside that is an important component of the Northeast sea scallop observer program and serves to mitigate the conflict of interest concerns by providing a mechanism to offset the added cost to sea scallop fishing vessels of carrying an observer. Also, to minimize the likelihood that an observer would develop ties to a vessel owner/operator and/or feel pressure by a vessel owner/operator to misreport, the regulations prohibit observer service providers from consecutively deploying the same observer on the same vessel and from deploying an observer on the same vessel more than twice per month.

While NMFS shares some of the concerns identified by the commenters relative to the need to ensure that there is no real or perceived conflict of interest between the at-sea observers and the fishing vessels, and to ensure reliable, high quality data are collected and reported, none of these concerns are immediately applicable to this rulemaking. The regulatory changes implemented in this final rule merely establish the procedures that potential observer service providers must follow to be considered for approval, and the standards that they must meet on a continuing basis to maintain their certification to serve in the Northeast Region. However, excepting the sea scallop observer program that was formally implemented under a separate rulemaking (72 FR 32549, June 13, 2007), no other fisheries in the Northeast Region are operating under an industry-funded observer requirement that would utilize these regulations. This action makes no changes to the regulations or procedures established under Amendment 13 to the Sea Scallop FMP, other than to generalize the observer certification procedures to apply more broadly than for the sea scallop fishery alone. The intent of this action was to create a more efficient process for the Councils to develop future industry-funded programs, should the need arise in any fishery. Actual implementation of an industry-funded observer program that would enable fishing vessels to select from a list of approved observer service providers would require the appropriate Council to initiate, develop, and have approved such a program for each particular fishery.

The development of future Council fishery management actions to implement any additional industry-funded observer programs provides the appropriate opportunity to ensure that the programs fully address the data quality concerns and limitations noted by the commenters. NMFS is committed to ensuring that data collected and provided by at-sea fisheries observers are of the highest-possible quality and meet all applicable standards for reliability, precision, and accuracy. Any proposal by a Council to implement a future industry-funded observer program, such as is currently in place for the sea scallop fishery, would be reviewed to ensure it fully explains and justifies how the data to be obtained through the program meet all appropriate quality standards.

Comment 2: One member of the public endorsed the comments of the observers' professional association, voicing his concern over industry-funded observer programs as exist in Alaska under the North Pacific Groundfish Observer Program. The commenter added, however, that his concerns do not refer to the sea scallop observer program that is linked to an observer set-aside program to offset the costs to the vessels of carrying an observer. The commenter is most concerned with the perceptions of conflict of interest that can arise under situations where the observer service provider is contractually linked, and dependent on, the fishing vessels rather than NMFS.

Response: The response above to comment 1 addresses the majority of the points raised by the commenter. As noted by the commenter, observer set-aside programs, such as the Northeast sea scallop program, mitigate many of these concerns by providing a mechanism to offset the added cost to the vessel of carrying an observer. While there is no requirement to do so, NMFS fully anticipates that any program developed by a Council to implement an industry-funded observer program would be directly associated with an observer set-aside program that offsets the additional costs to the vessels. No such program is currently proposed or under development by either Council, but the SBRM Amendment provides a mechanism for the Councils to develop and propose a set-aside program that uses quota, days-at-sea, increased trip limits, or other means to compensate fishing vessels that carry observers.

Comment 3: The comments submitted by a public interest environmental organization were very similar to those of the observers' professional association. The commenters oppose changing the NEFOP to a model based on the North Pacific Groundfish Observer Program, in which the industry finances the observer program through independent contracts with observer service providers. The commenters raised concerns regarding the appearance of a conflict of interest between the fishing vessels and the observer service providers, a threat of bias in the data collection, creating an economic incentive to avoid observation, less transparency of observer data, and a lack of control on harassment of an interference with observers. The comment letter also expressed concern that the SBRM would discourage monitoring for marine mammals and other non-bycatch related monitoring.

Response: Although the commenters in this case appear to have misunderstood the intent of the SBRM Amendment, NMFS takes their concerns seriously. The response above to comment 1 addresses the majority of the concerns raised by the commenters, but NMFS points out that the commenters

claim that the SBRM Amendment effects a ''conversion'' of the NEFOP from one controlled by NMFS to an industry-funded program. This is not the case. The SBRM Amendment provides a mechanism for the Councils to develop and propose industry-funded observer programs that would serve to supplement the existing NMFS-funded observer program, but this action neither implements nor requires such a program. Currently, the Councils are free to develop and propose such a system (as was done in Amendment 13 to the Sea Scallop FMP); the SBRM Amendment allows the Councils to use the framework adjustment process to propose a similar program instead of requiring a full FMP amendment. NMFS fully anticipates that any such program would include an observer set-aside mechanism, such as exists for the sea scallop fishery. As noted above and by other commenters, such a mechanism mitigates many of the concerns raised by the commenters.

NMFS disagrees with the commenter that such a system, should one be proposed by a Council and implemented by NMFS, would result in industry ''control'' of the observer program. The regulations at 50 CFR 648.11(h) and (i) provide extensive and detailed procedures that must be followed by all observer service providers in order to obtain and maintain NMFS certification as valid service providers. These regulations specifically address the issues of potential conflicts of interest (§ 648.11(h)(6)), harassment of or interference with observers (§ 648.11(h)(5)(vii)(F)), and data transparency (§ 648.11(h)(5)(vii)(A)). Regarding the concerns raised about the availability of the ''raw'' observer data, the regulations at § 648.11(h)(5)(vii)(A) require that, in addition to providing summary data within 12 hours of landing, that the observer service providers ''provide the raw (unedited) data collected by the observer to NMFS within 72 hours of the trip landing.'' Regarding the commenters' opinion that the plan creates an economic incentive to evade observation, this claim does not take into account that observer set-aside programs in many ways may actually create an incentive to be observed, as a set-aside program would grant a vessel extra quota, trips, DAS, or increased possession limits in exchange for carrying an observer.

The commenters are also incorrect that the plan ''discourages'' marine mammal monitoring. NMFS acknowledges in the SBRM Amendment the importance of its mandate under other applicable laws, such as the MMPA and the Migratory Bird Act, but the focus of the SBRM is on those living marine resources defined as fish and bycatch under the Magnuson-Stevens Act. Only the Magnuson-Stevens Act requires an SBRM to be established, and the Magnuson-Stevens Act specifically excludes certain types of organisms, specifically marine mammals and birds, from the definitions.

The commenters are mistaken to conclude that the ''SBRM is based on a flawed model.'' The actual SBRM established as a result of this action is wholly severable from the provision that authorizes the Councils to develop and propose an industry-funded observer program through a framework adjustment rather than an amendment to an FMP. The SBRM does not implement, require, or rely upon any industry-funded observer programs that may be developed and proposed by a Council in the future.

Comment 4: An organization representing a coalition of fishing interests involved in the Atlantic herring fishery submitted comments critical of the field sampling protocols and procedures used by at-sea observers to monitor bycatch occurring in fisheries that pump their catch directly from the codend into the vessel hold. The commenters asserted that the current observer protocols for the herring fishery contain loopholes that were not addressed in the SBRM Amendment, due to the potential for unobserved catch to be released from the net without being brought on board the vessel for the observer to monitor. The commenters expressed concern regarding the lack of mandated observer coverage on at-sea processing vessels, which transfer catch from the codend of catcher vessels to the hold of the processor vessel and about how pair trawls are treated if an observer is aboard only one of the paired vessels. The commenters also expressed concern that the filtering procedures described in the SBRM Amendment would result in exclusion of certain fishing modes (such as mid-water trawls) from observer coverage due to low levels of coverage in the past (''the SBRM ensures that [the mid-water trawl] mode will be unobserved in perpetuity'').

Response: All fishing vessels permitted by NMFS to operate in the Northeast Region under one or more of the FMPs subject to the SBRM Amendment are currently obligated to carry a NMFS-certified observer on any trip for which they are requested by the Regional Administrator to do so (at § 648(a), (b), (c) , and (d)). This requirement does not change, and is, in fact, reinforced in section 1.7 of the amendment. This requirement, by definition, applies to herring at-sea processors. The commenters incorrectly claim that the SBRM excludes some fishing modes from observer coverage; in fact, according to the results of the importance filter adopted in the amendment, the coverage allocated to the New England mid-water trawl fishing mode, cited by the commenters as ''unobserved in perpetuity,'' would be 316 days, nearly twice the coverage level in 2004 and would represent 11.5 percent of trips taken in 2004. The commenters appear to misunderstand the function of the importance filters, which is to eliminate certain species (those for which the total discards in a fishing mode is a negligible proportion of either the total discards of that species across all fishing modes, or for which the total discards of that species is a negligible proportion of total fishing-related mortality of that species) from the calculation of the observer coverage allocation within a fishing mode (the allocation being no less than the highest coverage level of all species remaining after the importance filter is applied). Under no circumstances do the importance filters eliminate any fishing modes from the observer allocation process. This can be seen in Appendix C of the amendment in a table illustrating the results of applying the SBRM to the 2004 dataset. There is some level of observer coverage assigned to each of the 39 fishing modes addressed in the SBRM Amendment. In addition, the commenters asserted that the SBRM Amendment did not address the field sampling protocols to be used in collecting data by at-sea fisheries observers. This is incorrect. Section 1.7 of the SBRM Amendment stipulates that ''The NEFOP shall serve as the primary mechanism to obtain data on discards in all Northeast Region commercial fisheries managed under one or more of the subject FMPs,'' and that ''all data obtained by the NEFOP under this SBRM shall be collected according to the techniques and protocols established and detailed in the Fisheries Observer Program Manual (NEFOP 2006a) and the Biological Sampling Manual (NEFOP 2006b).'' This section of the SBRM Amendment goes on to identify the minimum data fields to be collected by Northeast Region observers. The Fisheries Observer Program Manual and the Biological Sampling Manual provide general as well as specific instructions for at-sea observers operating on mid-water trawl, purse seine, and pair trawl vessels; these instructions and sampling priorities explicitly account, to the extent

practicable, for the contingencies identified by the commenters (including pair trawls with only one vessel observed, pumped fish, loss of fish in the net, etc.).

Comment 5: A letter from an organization representing commercial fishermen from Cape Cod expressed concern with how the SBRM would perform in monitoring hard TACs (total allowable catch) and fishery sectors. The commenters acknowledged that at least some of the changes under the SBRM Amendment will improve the region's bycatch reporting, and characterized the importance filter process as ''crucial for prioritizing observer coverage.'' However, the commenters stressed three primary recommendations for improving the SBRM Amendment: (1) Ensuring that the SBRM provides a means to accurately and precisely quantify discards for all stocks across all stock areas; (2) identifying levels of monitoring coverage for sectors necessary for TAC management; and (3) providing a real-time, publicly-accessible, and transparent reporting methodology that allows for enforcement of accountability measures.

Response: The commenters imply that the SBRM Amendment should have addressed the new requirement included in the Magnuson-Stevens Reauthorization Act of 2007 (MSRA) for all FMPs to include ''Annual Catch Limits'' (ACLs) and ''Accountability Measures'' (AMs) and indicate how the SBRM would perform in the face of these new requirements. However, the MSRA does not require ACLs and AMs be developed and implemented for any fishery until at least 2010 (for fisheries experiencing overfishing) or 2011 (for all other fisheries). Also, the new MSRA provision related to ACLs and AMs, by its very definition, applies to all catch, not just bycatch, and is a requirement much broader in scope than the requirement to establish an SBRM, which remains a separate requirement under the Magnuson-Stevens Act and was not modified by the MSRA. Section 1.2 of the SBRM Amendment acknowledges the changes promulgated through the MSRA, but explains that no changes to the amendment are necessary as a result. This action remains necessary primarily to correct deficiencies identified by the Court in Amendment 13 to the Northeast Multispecies FMP and Amendment 10 to the Sea Scallop FMP in order to bring the Northeast Region FMPs into compliance with the requirement to establish an SBRM as specified as section 303(a)(11) of the Magnuson-Stevens Act. As the Councils embark on fishery management actions to bring the FMPs into compliance with the new requirements of the MSRA, changes to the SBRM established herein may be necessary to accommodate the specific attributes of the ACLs and AMs that will be developed, but such changes would address specific management needs that go beyond the mandate of section 303(a)(11) to establish an SBRM to assess the amount and type of bycatch, which is the focus of this action. Because it is impossible at this time to foresee all the particular attributes of the various ACL and AM programs that may be developed and adopted by the two Councils for all 13 FMPs, and how the SBRM may need to change to accommodate those programs, it would be premature to attempt to craft an SBRM that could accommodate all possible ACL and AM outcomes, without resulting in an SBRM so vague and generalized as to be ineffectual at meeting its current objectives.

Regarding the specific points raised by the commenter, NMFS asserts that the Northeast Region SBRM is wholly sufficient to quantify discards for all stocks across all stock areas. Data collected by at-sea fisheries observers provide sufficient information to determine the specific stocks of fish discarded, and the stock areas in which the discard event occurred. These data can be used to apportion the collected discard estimates across all stocks and stock areas. This is illustrated in Appendix F and Appendix G of the amendment, which provide example data queries and analyses based on the data collected by at-sea observers and a sample format for the information requested by the Councils to be provided in annual discard reports. In both cases, discard data are summarized by stock and statistical area, which is a finer scale even than stock area (i.e., stock areas are composed of multiple statistical areas).

The commenters also suggest that the SBRM must identify observer coverage levels for fishery sectors authorized under an FMP to provide for a specific level of certainty in future TAC management programs. The commenters appear to assume that a one-size-fits-all approach would be appropriate for all potential future instances of sector management. Sectors are unique and temporary fishery management provisions that authorize a collective of similar fishing vessels (e.g., hook vessels operating out of Cape Cod) to be granted a portion of a TAC for 1 year in exchange for abiding by the specific provisions and limitations identified in the sector management plan. Currently, there are two approved sectors operating in New England waters; both are authorized under the sector management provisions of Amendment 13 to the Northeast Multispecies FMP. As many as 19 additional multispecies sectors are under development, and the New England Council is considering adopting similar sector provisions in upcoming amendments to the other New England FMPs. The sector provisions of the Northeast Multispecies FMP require that the vessels interested in forming a sector prepare and submit annually a sector proposal that includes, among other things, ''detailed plans for the monitoring and reporting of landings and discards'' (at § 648.87(b)(2)(vi)). Under the sector provisions of the FMP, it is the responsibility of the sector proponents to propose how discards will be monitored and reported, while the Council and NMFS retain the authority to determine if the proposed plans are sufficient. Sector proposals developed by members of the fishing industry are submitted to and reviewed by the New England Council. Those approved by the Council are incorporated into framework adjustments to the Northeast Multispecies FMP and submitted to NMFS for review. At that time, NMFS considers the specific provisions of the proposed sector plan to ensure it would meet all requirements of the FMP and be consistent with the provisions of the Magnuson-Stevens Act and other applicable law. Given the variety of sector proposals currently under development, and the expectation of additional sector provisions included in the other New England FMPs, it would not be practicable to stipulate in this amendment the specific levels of observer coverage that would be necessary for each sector, as this would depend on the number of vessels participating, the area(s) to be fished, the target and likely incidental species, fishing gear(s) used, and the other reporting mechanisms required under each sector plan. This action is focused on the requirement at section 303(a)(11) of the Magnuson-Stevens Act to develop a methodology to assess the amount and type of bycatch and provides a framework for modifications to the overarching methodology to address specific future management needs. The Councils recognized the need for the SBRM Amendment to be flexible enough to adapt to such changes, noting in section 6.9.5 of the amendment that because new sector programs may be implemented through a framework adjustment, the same framework action could be used to ''modify the SBRM to

ensure sufficient data are collected'' on discards.

The commenters asserted that the SBRM must establish a ''real-time, publicly-accessible, and transparent reporting methodology.'' NMFS disagrees with the commenters on this point. The Magnuson-Stevens Act requires simply that an SBRM be established; it imposes no minimum legal requirements on whether this system provide data in real time, or the degree to which the data are publicly accessible. A ''real-time'' reporting system, as requested by the commenters, would require that data be presented in a publicly accessible medium as the discards are observed and documented by the at-sea fisheries observer. This would provide no time for the fishing trip to end, for the observer to submit the data to NMFS, and for NMFS to review, edit, and audit the data prior to publishing the data. This would severely reduce the quality of the data and, in so doing, diminish the usefulness and reliability of the discard data. Data reduction and summaries are necessary in order to prevent the release of sensitive and proprietary data that is protected under the Magnuson-Stevens Act and other Federal statutes. NMFS concludes that it is more appropriate to engage a full data quality control and assurance program, as summarized in Appendix D of the SBRM Amendment, in order to ensure the resulting data are of the highest possible quality before they are released to the public or used in management.

Comment 6: A conservation organization submitted extensive comments on the SBRM Amendment and its proposed rule, urging that NMFS not approve the amendment. The comments addressed several elements of the SBRM Amendment, and include references to the results of a technical review of the amendment conducted under contract to another conservation organization. The responses to the comments identified in the technical review are addressed separately under comment 10. All other points raised in the comment letter are addressed in this response.

The commenters, while acknowledging that the SBRM Amendment ''dramatically'' improves upon prior documents by specifying a monitoring and reporting system that could be implemented, expressed concern that the amendment fails to actually establish this system because it vests NMFS with discretion as to the allocation of observer coverage if there are external constraints (such as an insufficient budget) that prevent full implementation. The commenters suggested that the amendment could have adopted a formal decision procedure that would stipulate how observers are to be allocated if there is a budget shortfall, such as requiring that the budget allocations be cut pro rata across all fishing modes, or to rank fishing modes according to a standard of priority and fully allocating observer coverage across priority modes until funding is exhausted.

The commenters claim that the SBRM Amendment fails to mandate that data be reported in a rational manner useful for fisheries management, and that the amendment fails to establish a reporting requirement that provides information on the amount, type, and disposition of bycatch. The commenters also claim that the amendment fails to recognize the fishery management needs of the Councils and the needs of the public.

The commenters claim that the amendment fails to establish an SBRM because it provides for framework adjustment provisions to enable the Councils to develop and propose changes to the SBRM. The commenters also claim that the SBRM Amendment fails to consider the bycatch of species that are not targeted under Northeast Region FMPs, including failing to consider alternatives for including ''non-managed'' species in the SBRM.

The commenters claim that NMFS ''locked'' the public and Fishery Management Councils out of the decision-making process to develop the SBRM Amendment. The commenters also claim that the SBRM Amendment violates NEPA because an environmental impact statement (EIS) was not prepared. Regarding the environmental assessment's (EA) compliance with NEPA, the commenters raised the following concerns: The EA fails to adequately discuss the purpose, need, and scope of the amendment; the EA fails to consider a reasonable range of alternatives, including performance standards other than 30 percent, different reporting formats or frequencies, or different ways to assess accuracy; the EA fails to consider cumulative environmental impacts; and the EA fails to adequately address protected resources.

Response: NMFS disagrees with the commenters' assertion that the amendment fails to establish an SBRM because it vests NMFS with some degree of discretion in cases where external operational constraints prevent full implementation of the resulting at-sea observer allocations. The SBRM Amendment establishes an extensive and detailed methodology to utilize available observer data on discards occurring across all relevant Northeast Region fisheries, assess the degree to which those data meet the established performance standard, allocate observer coverage levels across all relevant fisheries to achieve said performance standard, and provide reports to the Fishery Management Councils on the discards that are occurring and on the effectiveness of the SBRM itself at meeting its objectives. The prioritization process is one component of the overall program that explicitly recognizes that external operational constraints (such as Congressional budget allocations) may occasionally prevent the full implementation of the SBRM. The process establishes a rigorous review and consultation process to engage the Councils and the public in determining the most appropriate approach to prioritize observer coverage on these occasions that reflects the needs and priorities of the agency and Councils at the time.

The commenters suggested that the amendment could have implemented a requirement to apportion any budget allocations pro rata across all fishing modes, or could have ranked fishing modes according to a specific standard of priority and require that observers be fully allocated to the highest priority modes in descending order until the available budget is exhausted. NMFS notes that several options such as these are described in section 6.6 of the amendment, but that the Councils recognized the importance of retaining sufficient flexibility in the SBRM to adapt to changing conditions and priorities in the fisheries. The approach suggested by the commenters would leave the Councils and NMFS with a rigid system that would require an FMP amendment to modify the priority allocation of resources. NMFS also notes that retaining some level of discretion in allocating resources is necessary for the agency to adequately meet its obligations under other laws in addition to the Magnuson-Stevens Act, such as the ESA and MMPA. Lastly, the commenters appeared to have misconstrued the instructions from the Court. Instead of requiring that the SBRM Amendment stipulate the precise areas where observers must be concentrated, the Court, in *Oceana II*, clarified that it ''only requires that the FMP establish some method for determining observer concentration instead of leaving all decisions to the Regional Administrator's discretion'' [See, *Oceana II* at p. 234 (footnote 41)]. The SBRM Amendment establishes a very specific method for determining observer allocations across all relevant fisheries, and does not leave ''all

decisions'' to the Regional Administrator. Rather, only in years in which external operational constraints prevent full implementation would NMFS have any discretion to adapt the results of the SBRM, and only then following a review and consultation with the Councils in a public forum. NMFS asserts that this approach is consistent with both the intent of the SBRM provisions of the Magnuson-Stevens Act and the guidance provided by the Court.

NMFS rejects the commenters' claim that the SBRM Amendment fails to mandate that data be reported in a rational manner useful for fisheries management, and that the amendment fails to establish a reporting requirement that provides information on the amount, type, and disposition of bycatch. Section 6.4 of the SBRM Amendment describes the alternatives considered regarding potential reporting procedures, and section 1.7 of the amendment establishes the requirements for two types of reports to be prepared at different time intervals. The amendment requires an annual report be provided to the Councils to provide the data they requested on the current status of observer coverage and discard information, along with an additional report provided every 3 years that assesses the SBRM in a more comprehensive manner. The amendment, in sections 1.7 and 6.4, identifies the specific data elements to be provided in the reports, including the amount, species, location, and gear types involved. The information to be reported, the frequency, and the format for the reports was proposed and adopted by both Councils as their preferred alternative approach to obtaining SBRM reports on a routine basis. NMFS asserts that the Councils are in the best position to determine their needs as to SBRM reports, and, as such, the SBRM Amendment clearly reflects the needs of the Councils for this information.

NMFS disagrees with the commenters that the SBRM Amendment fails to actually establish an SBRM simply because it provides a procedure for the Councils to make changes to certain provisions of the SBRM through the use of framework adjustments rather than full FMP amendments. The intent of this provision of the amendment is to facilitate an efficient and timely process for the Councils to develop and submit proposed changes to the SBRM, limited within certain constraints. Nothing in this provision diminishes or abrogates the agency's obligation to carefully review any framework adjustment proposed by a Council to ensure that the proposed changes are consistent with the Magnuson-Stevens Act, other applicable law, and do not undermine or contravene the parent FMP. The amendment clearly stipulates that intent, as at section 6.5.2, which provides that ''the intent of this [framework] provision is to provide an efficient means for the Council to change the performance standard in certain circumstances when a *higher* level of precision (i.e., reducing the CV to *less* than 30 percent) is desired for a particular fishery or management program [emphasis added].'' Providing this mechanism to modify certain elements of the SBRM is considered important because several provisions of the parent FMPs already establish framework adjustment protocols for items such as creating new special access programs (SAPs) or new fishery sectors. As these changes are developed through a framework adjustment process, changes to the SBRM may be necessary in order to ensure sufficient discard reporting in the new SAP or sector. Without the ability to effect the necessary changes to the SBRM through the framework adjustment implementing the SAP or sector, the Council would have to defer implementation of each such framework until an accompanying amendment could be developed to implement the changes to the SBRM. This delay would directly contravene the intent of the parent FMPs.

NMFS also disagrees with the commenters that the amendment failed to consider the bycatch of species that are not targeted under the Northeast Region FMPs. This issue is addressed in several sections of the amendment. First, section 1.7 of the amendment clearly stipulates that the data collected by at-sea fisheries observers ''shall be collected on all species of biological organisms caught by the fishing vessel and brought on board, including species managed under the subject FMPs but also including species on non-managed fish, invertebrates, and marine plants.'' This section of the amendment continues to stipulate, in a footnote, that a complete list of the species for which the listed data elements are to be collected can be found in Appendix A and Appendix R of the Fisheries Observer Program Manual. These lists include more than 500 distinct species and species codes that must be accounted for by observers in their catch and discard reports. This provision of the SBRM requires that information regarding the discards of all species be reported by at-sea observers and reported to NMFS. The same information collected on species managed under a subject Northeast Region FMP would also be available, at the same level of detail, on all other species. The SBRM, however, is specifically crafted around the species managed under a subject FMP, and it is these species, with the addition of threatened and endangered sea turtles, that drive the allocation of observers across the subject fishing modes. Contrary to the claim of the commenters, the Councils explicitly considered expanding this aspect of the SBRM calculations to include all non-managed species. This is described in section 6.8.1 of the amendment document and includes the Councils' rationale for not so expanding the SBRM.

NMFS rejects the claim by the commenters that the agency ''locked'' the public and Councils out of the decision-making process to develop the SBRM Amendment. The process to development the amendment included numerous and varied opportunities for the public and the Councils to fully engage and provide valued input, fulfilling the letter and spirit of NEPA. The commenters correctly pointed out that the primary analyses and technical materials were developed by a Fishery Management Action Team (FMAT) that was chaired by a NMFS staff member, but claim that this represents a ''flawed'' approach. The choice of a NMFS staff member to serve as chair of this technical group was suggested by the Councils as a way to help with staffing resource concerns shared by the Councils. However, in all respects other than the position of the group's chair, the membership of the FMAT reflected the standard operating procedures for Plan Development Teams (PDTs), as used by the New England Council, as well as FMATs as used by the Mid-Atlantic Council. The SBRM FMAT included staff from both Councils, the Northeast Fisheries Science Center, NOAA General Counsel, and the Northeast Regional Office, all with the requisite expertise and background in the subject matter.

All activities, analyses, and recommendations of the FMAT were reported to a Joint Oversight Committee composed of voting member of both Councils, and all such meetings of the SBRM Committee were held in public fora with advance notice to the public. Throughout the development of the amendment, the SBRM Committee held six public meetings ranging in location from Virginia Beach, VA, to Peabody, MA. All decisions of the Councils with regards to establishing the range of alternatives to be considered in the

amendment, selecting the preferred alternatives, approval of the draft amendment for release to the public, reviewing the results of the analyses and information provided by the FMAT, assessing the comments submitted by the public on the draft amendment and the changes proposed to address those comments were first vetted through the SBRM Committee in public meetings. In addition to the six meetings of the SBRM Committee, the Councils met publicly a total of 13 times to receive reports on the progress of the SBRM Amendment, to review the decisions and recommendations of the SBRM Committee, and to formally approve and adopt the amendment for release to the public and, later, to submit for Secretarial review. There was also a public meeting at which members of both Councils' SSCs conducted a formal peer-review of the technical components of the SBRM Amendment, and two public hearings were held to provide ample opportunity for interested members of the public to provide comments on the draft amendment.

Lastly, NMFS disagrees with the assertion by the commenters that the SBRM Amendment violates NEPA because an EIS was not prepared. Consistent with NEPA, Council for Environmental Quality (CEQ) regulations, and NOAA administrative policy, NMFS and the Councils collaborated to prepare an EA to evaluate the significance of the environmental impacts expected as a result of the actions considered in the SBRM Amendment. The results of this assessment are provided in section 8.9.2 of the amendment, which supports the finding of no significant impacts (FONSI) signed by the agency on October 16, 2007. The commenters provided no evidence, nor even any claims, that the conclusions in the FONSI are not supported by the facts presented in the EA for this finding. Contrary to the claim of the commenters, NMFS asserts that the EA considers a sufficient range of alternatives to satisfy the requirements of NEPA. As described throughout the amendment (the Executive Summary and chapters 6, 7, and 8), the alternatives considered by the Councils were structured around seven specific elements that together comprise the Northeast Region SBRM. Multiple alternatives were developed and considered for each element and, in some cases, various sub-options were also developed and considered. As noted in Appendix E of the amendment, in response to a similar comment received on the draft amendment, the available permutations of the various alternatives considered in this action exceeds 1,400 if the sub-options are not counted. Accounting for the sub-options, the number of possible outcomes exceeds 2,100 distinct sets of management alternatives. In addition to the sets of alternatives expressly analyzed in the EA, the Councils considered, but ultimately rejected from detailed analysis, an additional four distinct alternatives. These additional alternatives are described in section 6.8 of the amendment, and, contrary to the claim of the commenters, include alternatives that specifically addresses setting alternate CV levels and different intervals for the SBRM reports.

NMFS disagrees with the commenters that the EA fails to adequately discuss the purpose, need, and scope of the amendment. All of these elements are specifically identified and are fully described in chapter 1 of the amendment. The commenters assert that the EA fails to consider cumulative environmental impacts. NMFS rejects this claim, as section 7.3 of the amendment explicitly provides a discussion of the expected cumulative effects associated with the action. NMFS asserts that this treatment of cumulative effects is consistent with CEQ regulations and current NOAA policy. Regarding protected resources, several elements of sections 7.1 and 7.2 of the amendment address the potential impacts of the actions on protected resources, and NMFS considers this treatment, along with sections 8.3 and 8.8 of the amendment, to be adequate under all applicable law. Endangered sea turtles are explicitly addressed in the SBRM (see chapters 5 and 6), and are afforded a priority superior to all other fish species by ''trumping'' the second and third level importance filters (i.e., if the results of the second and third level importance filters would result in an observer allocation to a fishing mode that is less than the number of sea days calculated to adequately observe sea turtles, then the higher sea turtle allocation is applied). As noted throughout the amendment document, the Magnuson-Stevens Act specifically excludes marine mammals and birds from the definitions of fish and bycatch and, therefore, the SBRM (because it exists solely as a Magnuson-Stevens Act construct) need not expressly account for marine mammals or birds. Therefore, NMFS considers the SBRM Amendment to adequately address protected resources.

Comment 7: A comment letter written on behalf of four conservation organizations raised many of the same concerns as the conservation organization noted above. In particular, the commenters frequently referred to the results of the technical review described below. The responses to the comments identified in the technical review are addressed separately under comment 10. All other points raised in the comment letter are addressed in this response.

The commenters claim that the SBRM Amendment fails to achieve the purpose of the action or meet the related requirements of the Magnuson-Stevens Act and the prior Court orders because it fails to explain the methods and processes by which bycatch is currently monitored, fails to determine whether these methods and process should be modified and/or supplemented, and fails to document the SBRM established for all Northeast Region FMP fisheries. The commenters claim that the SBRM Amendment does not explain the methods by which data and information on discards are obtained by observers. The commenters reiterated the claim made in comment 4 that the SBRM Amendment ''conclude[s] that observer coverage is not warranted'' in the mid-water trawl fishery.

The commenters claim that the SBRM Amendment fails to specify levels of observer coverage required for each FMP, citing concern that the ''mere performance targets'' leave the actual level of observer coverage entirely up to the agency. The commenters also claim that the SBRM fails to adequately cover ''non-managed'' bycatch species.

The commenters claim that NMFS ''prevented'' the New England and Mid-Atlantic Councils and the public from meaningfully participating in the development of the SBRM Amendment. Similar to the previous commenter, the commenters claim that an EIS should have been prepared, rather than the EA, and that the document therefore does not comply with NEPA. In particular, the commenters claim that the lack of an EIS: Limited the opportunities for public participation and stymied the involvement of the Councils; failed to consider a range of alternatives; and failed to ensure that decision-makers and the public are well informed about the potential environmental impacts of the action. The commenters suggested that the amendment should have been presented in a more accessible format, claiming that the SBRM is a ''nearly incoherent document.'' The commenters claim that the FMAT formed to prepare the technical materials for the Councils was a ''failure'' and failed to engage the Councils. The commenters further claim that the SBRM Amendment was ''carefully steered around the avoidance

of the public participation requirements of NEPA,'' and that opportunities for public participation, including the two public hearings, were limited to Council meetings with short agenda items and ''little or no'' opportunity for public comment. The commenters also criticized the amount of time available to review and comment on the amendment, claiming that much of the document was not available ''in any form'' until shortly before the Councils approved the document in June 2007. The commenters concluded by criticizing the 60-day comment period on the amendment, claiming that this amount of time was insufficient.

The commenters suggested that NMFS engage independent and objective scientific expertise, along with the public, and prepare an EIS in support of a ''significantly revised'' SBRM Amendment. The commenters claim that the SBRM was never peer reviewed by independent reviewers at any stage of its development. The commenters recognized that the document was reviewed by members of the Councils' SSCs, but claim that these reviewers ''lacked the highly specialized expertise necessary to conduct a review of this nature,'' and that the reviewers cannot be considered as independent and objective because they serve as members of the Councils' SSCs.

Response: NMFS disagrees that the amendment fails to explain the methods and processes by which bycatch is currently monitored or that the amendment fails to evaluate whether these methods should be modified and/or supplemented, noting that chapter 4 addresses these specific issues. Additional information about the current bycatch data collection programs is provided in chapter 5 of the amendment and in associated reference documents that are clearly identified throughout the amendment. As noted above in response to comments on this issue, it is incorrect to conclude that the SBRM Amendment in any way suggests that observer coverage ''is not warranted'' in any fishing mode, including the New England mid-water trawl mode, which the amendment indicates would be allocated 316 observer sea days based on the 2004 observer data, a two-fold increase over the actual coverage in this fishing mode in 2004.

NMFS disagrees with the commenters' implication that the SBRM Amendment was intended to specify levels of observer coverage required for each FMP. Nothing in the Magnuson-Stevens Act, or in either relevant Court order described above, requires that an SBRM include specific observer coverage levels to be identified for each FMP. Rather, the intent of the Magnuson-Stevens Act SBRM provision, supported by the Court, was to establish procedures to determine the appropriate levels of coverage [See, *Oceana II* at p. 233 (footnote 38), where the Court states that ''*Oceana I* did not require that an FMP mandate a specific level of observer coverage'']. The amendment clearly establishes the procedures to be used to make these determinations and requires that the agency utilize these procedures (''Each year, the Regional Administrator and the Science and Research Director shall allocate sufficient at-sea observer coverage to the applicable fisheries of the Northeast Region in order to achieve a level of precision . . . no greater than 30 percent for each applicable species and/or species group'' SBRM Amendment at section 1.7).

The commenters' claim that the agency ''prevented'' the Councils from participating in a meaningful way in the development of the amendment is patently false. As described earlier in response to previous comments, the development of the SBRM Amendment was conducted under the oversight of a joint Council committee that included members from both Councils. All decisions regarding the development of the amendment were made by the Councils and were based on the recommendations of the SBRM Oversight Committee. Contrary to the claim of the commenters, the evidence clearly indicates that both Councils were fully engaged in the development of this amendment, and there were no actions taken on the part of the agency to ''prevent'' such engagement.

NMFS considers the SBRM Amendment and associated EA to comply fully with the requirements of NEPA, the CEQ regulations, and NOAA Administrative Order 216–6, and, therefore, rejects the assertion by the commenters that an EIS should have been prepared. According to the CEQ regulations, and all available guidance on the subject, an EIS need only be prepared when an EA or other related analysis identifies significant effects on the environment or if the facts available to the action agency cannot support the conclusions required in order to make a FONSI. The EA associated with the SBRM Amendment fully evaluated the expected direct, indirect, and cumulative impacts likely to result from implementation of the action. The EA, in both form and scope, followed all agency guidelines for an EA associated with an FMP amendment. As noted in response to previous comments, a full range of reasonable alternatives was considered by the Councils during the development of the amendment, and all relevant effects of the action, and its alternatives, were identified and made available to the relevant decision-makers. In response to the claim that the amendment document is ''nearly incoherent,'' NMFS notes that at no stage in the development of the amendment did anyone else raise such a comment. NMFS considers this amendment to be an organized, well-written, and approachable document that includes each element required by NEPA and all applicable laws. The inclusion in the amendment of highly technical concepts and methodologies was necessary in order to treat the statistical analyses and modeling elements inherent in the development of an SBRM in a complete and transparent manner. Great care was taken to present this information clearly, to organize the amendment in a logical manner, and to use clear prose to the extent possible.

NMFS disagrees with the claim that the FMAT process was a failure. The FMAT members included representatives from both Councils' staffs, and the FMAT reported to the Councils' SBRM Oversight Committee at each step in the process to develop the amendment. The FMAT produced a draft amendment 8 months after the first FMAT meeting, at which time it was accepted by both Councils and released for public review. Following the public comment period on the draft amendment and draft EA, the FMAT prepared revisions to several sections of the amendment and presented all revisions to the Committee less than 4 months after the end of the comment period. NMFS considers the FMAT process to be a success by all accepted standards and practices for Council actions. Regarding the claim that the development of the amendment was intended to avoid public participation, as noted above in response to the previous comment on this issue, public participation was encouraged and multiple opportunities for public participation were provided throughout the development process. Both public hearings held on the draft amendment were noticed well in advance of the hearings, both were held in public venues in conjunction with, but not during, public meetings of the New England and Mid-Atlantic Councils. Both hearings were relatively well attended (32 individuals attended the first hearing in Gloucester, MA, and 16 individuals attended the second hearing in New York, NY), and both hearings remained open until all in the audience who wished to provide comment had

done so. No time limits were placed on any commenter, and no one was precluded from speaking. As a result of the discussions of the Councils and comments from the public, several changes to the SBRM Amendment were made throughout its development, including the revisions to the importance filter process, the inclusion of multiple reporting procedures, and the incorporation of an external peer review of the underlying analyses conducted by the Councils' SSCs.

NMFS disagrees with the claim of the commenters that the document was not available ''in any form'' until shortly before the Councils approved the document in June 2007. Drafts of the amendment and EA were available prior to the Council meetings in September and October 2006 at which the draft amendment was approved for release to the public for public hearings. The public hearing draft of the amendment and EA was posted to the Internet and made available on November 1, 2006, initiating a 60-day comment period. Copies of the public hearing draft were available by mail for anyone who requested one, and copies were available at both public hearings. The public hearing draft of the amendment and EA remained available on the Internet until it was replaced by a revised draft in mid–2007. In advance of the April 2007 meeting of the SBRM Oversight Committee, errata sheets reflecting the sections of the draft amendment that had been revised to address public comments were made available on the New England Council's Internet page. Copies of these revised sections of the amendment were also made available at the April 2007 meeting. Following the April 2007 meeting of the Committee, these revised sections were integrated into the draft amendment, and a final draft of the amendment was posted to the Internet in early June.

Regarding the criticism that the 60-day comment period on the amendment (72 FR 41047) was insufficient, NMFS notes that this 60-day time period for public review of FMPs and amendments is stipulated in section 304 of the Magnuson-Stevens Act (''Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall . . . immediately publish in the **Federal Register** a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.'').

NMFS asserts that it is unnecessary to engage additional expertise, and finds no reason to disapprove and revise the SBRM Amendment. NMFS disputes the commenters' claim that the SBRM was not peer reviewed by independent reviewers, noting that both Councils solicited their respective SSCs for members with the expertise to conduct a formal peer review of the technical components of the SBRM Amendment. Four reviewers, two from each Council's SSC, with all the requisite expertise and background to conduct such a review, met in August 2006 in a public forum to assess the SBRM. The results of the peer review were made publicly available in September 2006 and were fully addressed in revisions to the initial draft of the SBRM Amendment and all comments and suggestions made by the SSC members were incorporated.

Comment 8: A comment letter by the chief scientist for a conservation organization asserted that the analyses and preferred options in the SBRM Amendment represent improvements over previous versions. The commenter stressed that the selected alternative for the importance filter is ''much better'' than the non-preferred alternative, and that it is ''appropriate'' to concentrate observer sampling effort on fishing modes that cause a high fraction of the discard mortality and a high fraction of the total fishing mortality for each harvested species. The commenter also stated that the preferred alternative precision standard (a CV of 30 percent) for bycatch estimates for each managed species and fishing mode is ''appropriate.'' In addition, the commenter concurred with one of the conclusions of the McAllister report (see below) that simulation testing should be done to evaluate the precision and potential biases of each proposed estimator.

Response: NMFS agrees with the commenter that the SBRM represents an improvement over previous versions, that the importance filter is a sound and appropriate approach to concentrate observer coverage, and that the performance standard of a 30 percent CV is appropriate for discard estimates. The response to the comment concurring with the McAllister report on simulation testing is addressed below in response to comment 10.

Comment 9: A comment letter written by attorneys representing an association of full-time, limited access scallop fishermen in New England and the Mid-Atlantic endorsed the SBRM Amendment, noting that, in their opinion, the SBRM Amendment addresses all relevant legal requirements. The commenters claim that the amendment establishes an appropriately flexible system to meet unknown future demands on the observer system. The commenters assert that the amendment appears to have achieved a reasonable and practicable balance in the scope of the SBRM and the approach taken to allocate observer coverage across the subject fishing modes. The commenters support the use of the importance filters by focusing limited resources on the areas of greatest concern to management. The commenters also support the provisions of the rule that allows the Councils to develop an observer set-aside program through a framework adjustment to the FMP, rather than a full amendment. In addition, the commenters support the establishment of standards for certifying additional observer service providers.

Response: NMFS agrees with the comments.

Comment 10: A comment letter from a conservation organization included a detailed technical review of the scientific analyses and methodology underlying the SBRM Amendment. A technical review was submitted by Dr. Murdoch McAllister of the University of British Columbia. Although the McAllister report found the importance filters to be ''scientifically sound,'' ''well-founded,'' and ''sensible from a scientific point of view'' and to be effective at reducing the amount of observer effort required without compromising the quality of data required for bycatch estimation, the McAllister report raised several issues related to the analysis conducted in support of the SBRM Amendment. The McAllister report claims to have identified a number of flaws in the estimation method chosen to be applied in the SBRM, and that the observer coverage levels that result from the application of this estimator could potentially lead to ''wastage'' of government resources because ''unnecessarily high'' or ''unacceptably low'' numbers of observer sea days could be specified by the SBRM. The McAllister report claims that the SBRM Amendment failed to adequately evaluate the statistical properties of the six alternative bycatch estimation methods considered, and raised concerns that the key assumptions of the preferred statistical method do not hold, such that the SBRM Amendment utilizes a statistical method that is inferior to others that might have been selected. The report notes that an alternative statistical method that was considered, but not selected, may have resulted in lower CVs in bycatch estimates than the other methods. The McAllister report recommends that

simulation testing of the candidate bycatch estimation methods be conducted to evaluate the potential bias and precision in the methods prior to selecting one for implementation.

The McAllister report also raises concern regarding the degree to which evidence of bias in the observer data is acknowledged in the analyses supporting the SBRM Amendment, suggesting that there is evidence of bias in the data where none was reported. This concern is extended to include the use of the FVTR as a source of kept biomass, which may have more bias than described in the amendment. The report concludes with the claim that the SBRM is ''unlikely'' to provide reliable discard estimates or prescriptions for observer coverage, noting that this is ''largely due'' to the issues previously raised regarding the ratio bycatch estimator that was selected.

In spite of the concerns raised, the McAllister report concedes that ''the observer data on bycatch appear to be the best available data on bycatch by species and fishing fleet type.'' Dr. McAllister notes that ''no other data exist with the extent of coverage of bycatch species, landed species, and fishing mode,'' and that there is a relatively small proportion of the various potential combinations of species and fishing mode for which observer coverage is too low to permit estimation of bycatch. The report acknowledges that there are sufficient data in the ''vast majority'' of fishing mode and species combinations to enable computation of a bycatch value and a standard error for the estimate, and that ''no other type of data collected comes close to providing the high level of coverage offered by the existing observer dataset.'' The McAllister report also acknowledges that the high proportion of the estimates of bycatch presented in the SBRM with CVs of 30 percent or less indicate that the ''existing observer database has potential to provide bycatch estimates with the desired level of precision.''

In addition to the concerns described above, the McAllister report also raises a concern regarding the selection of a 30 percent CV of the discard estimate as an appropriate performance standard for the SBRM, noting that in commonly applied stock assessment models, the desired CV of the catch estimate would be 10 percent or less, not 30 percent.

Response: Dr. Murdoch McAllister makes a number of important comments on the SBRM Amendment. His thorough review on behalf of Lenfest Ocean Program highlights a number of important issues for discard estimation and suggests some useful approaches for improving the estimators currently employed. NMFS considered his comments, but, despite the issues raised by Dr. McAllister, contends the SBRM is consistent with all legal and statutory requirements, and is based upon the best available science. The SBRM incorporates not only the sampling design but also the infrastructure to collect auxiliary data, the methods of estimation and the properties of the estimators, and approaches to improve the allocation of observer coverage to the diverse fishing fleets of the Northeast Region. The SBRM is fully consistent with the limitations of the data necessary to support estimation of discards across a wide range of species and fisheries.

Improvements can always be made to statistical models and techniques to derive bycatch estimates. By reviewing observer coverage annually and instituting optimal allocation procedures, the SBRM is designed to continuously improve the underlying data. Ultimately, the utility of any statistical model depends more on the quality of the data than the sophistication of the model. Nonetheless, the SBRM is designed to collect data that will support many different types of statistical estimators. In order to achieve this goal, the information in the observed samples must be sufficient for inference about the unobserved fraction of the fishery. The basis for the program rests on the quality of the discard data collected at sea by fisheries observers and the ability to extrapolate estimates of total discards from the observed fraction of the fleets to the unobserved fractions. Any estimator of total discards requires that the observed rate of discards in a sample can be expanded to a total. An estimator based on discards per trip requires an estimate of total trips; an estimator based on discards per day absent requires an estimate of total days absent. Estimators that compute discard rates as a function of some set of environmental conditions or vessel attributes must have the ability to apply those same characteristics for the unobserved set.

The remarks of Dr. McAllister appear to indicate some confusion regarding the estimators that are applied for the purpose of initializing the SBRM and those which will be used in stock assessments. NMFS acknowledges that these estimators do not necessarily have to be the same. In fact, one would expect that improved discard estimates can be derived after the data are collected because more information about the fishing trip, and the nature of the discards, is available. Possible refinements to the data and the resulting discard estimates include various post-stratification approaches, incorporation of other auxiliary variables, and intensive investigation of regulatory effects (e.g., size limits, trip limits, overall quotas, closed area effects, permit restrictions etc.). The ability to implement these changes is governed ultimately by the quality of the statistical sampling design. On that point, the SBRM is on firm ground: while the McAllister report provides a number of instances where further research efforts can be directed, it does not alter our conclusion that the SBRM is a scientifically-sound process for implementing a continuously improving process of bycatch estimation.

The SBRM addresses discarding issues for the entire range of fishing activities in the Northeast. This synoptic approach requires careful attention to the limitations and availability of data to estimate discards and provides a representative methodology to apply consistently across all Northeast Region fisheries. The inclusion of all species and all fisheries precluded a detailed case-by-case treatment of the best estimators in favor of a standardized approach to provide reasonable results across the full range of Northeast Region fisheries. The SBRM incorporates objective approaches to reduce the estimation problem to a subset of cells that are biologically important.

Dr. McAllister did not comment on the procedures for collecting data on trips or the observer training program. As this was not in his terms of reference, it is assumed that neither the Lenfest Ocean Program nor Dr. McAllister had any serious concerns about observer training or quality assurance procedures. The ability to extrapolate from the observed fishing trips to the unobserved fraction rests in part on the overall sampling design. On this topic, Dr. McAllister states ''In my view the sampling program proposed for obtaining bycatch estimates has a few issues regarding accuracy but largely appears to be the best available sampling program for bycatch estimation.''

It is noted that, in spite of the concerns raised, the McAllister report concedes that ''the observer data on bycatch appear to be the best available data on bycatch by species and fishing fleet type.'' The author notes that ''no other data exist with the extent of coverage of bycatch species, landed species, and fishing mode,'' and that there is a relatively small proportion of the various potential combinations of species and fishing mode for which observer coverage is too low to permit estimation of bycatch. His report

acknowledges that there are sufficient data in the ''vast majority'' of fishing mode and species combinations to enable computation of a bycatch value and a standard error for the estimate, and that ''no other type of data collected comes close to providing the high level of coverage offered by the existing observer dataset.'' The McAllister report also acknowledges that the high proportion of the estimates of bycatch presented in the SBRM with CVs of 30 percent or less indicate that the ''existing observer database has potential to provide bycatch estimates with the desired level of precision.''

Dr. McAllister criticizes the selection of the ratio estimator as the appropriate model for estimation. NMFS acknowledges that the ratio estimator is not uniformly supported across all 2,700 cells (45 fleets and 60 species groups). In some instances, the trip-based estimator (average discards per trip multiplied by total trips) may in fact have greater precision. In effect, all of the discard estimation methods considered in the SBRM are stratified ratio estimators. The simple expansion method preferred by Dr. McAllister uses total trips as a measure of effort. Implicitly, this means that the stratification variables used in the SBRM are sufficient to define strata with a low degree of within-stratum variability and high degree of between stratum variability. The incorporation of ''days absent'' as a measure of fishing effort recognizes that residual variation in trip length may be important for characterizing bycatch; however, the measure of days absent does not account for variations in transit time to fishing grounds or search activities (i.e., there could be significant differences in actual fishing time true effort if transit time is accounted for). The use of total landings addresses this weakness and provides at least one performance-based measure of fishing effort, wherein variation in fishing power can be addressed. Because catch is the product of effort and abundance, total landings per trip can be viewed conceptually as a surrogate for effective fishing effort, if average abundance within a year does not change too greatly.

The SBRM proposes the use of a stratified ratio estimator as a general measure of the total bycatch by species. The estimator incorporates two complementary components to improve the precision of the estimates. Stratification by ''fleets'' reduces the variability within non-overlapping sets. For some species, it would be possible to develop more refined stratifications, particularly after the sample has been collected. Some fleets are strongly associated with a particular species, such as the scallop dredge fleet and the hydraulic dredge fleet for clams. However, for most fleets, the target species is not identifiable in advance. Some vessels will change net types during a cruise to shift among species groups (e.g., gadoids vs. flatfish).

Contrary to the comments of Dr. McAllister, the estimators used in the SBRM are consistent with the many peer-reviewed published studies of discard estimation. For example, Pikitch et al. (1998)[1] estimated total bycatch for Pacific halibut as the product of a bycatch ratio of discard per hour fished (stratified by fleet, season, and depth) and total hours fished. Total hours fished were assumed to have negligible error because, in the words of the authors, ''the states of Oregon, Washington, and California collect logbooks for the majority of fishing trips (70–90 percent in Oregon, nearly 100 percent in Washington, and about 80 percent in California).'' In their paper, the authors concluded that logbook records, which McAllister claims are ''notoriously inaccurate,'' were sufficient to estimate hours fished even when they are known to be incomplete.

Stratoudakis et al. (1999)[2] recognized the bias in small sample ratio estimators and recommended an alternative method based on collapsed stratification. The authors examined a wide range of ratio estimators, similar to the procedures used in the SBRM. They recommended the use of a ''partially collapsed estimator'' that used total gadoid landings or total demersal species landings as the auxiliary variable in the ratio estimator. They recommended pooling across strata to estimate the discard ratio. In the SBRM, the discard ratio for the ''combined'' estimator was in fact a ''partially collapsed estimator'' over quarters. Their comparisons of ratio estimators with the stratified sample mean estimator suggested improved performance for most but not all species. They concluded the partially collapsed ratio estimator, with gadoid or total landings as the auxiliary variable, offers a sensible method for estimating total species discards within Scottish waters. Another advantage cited by these investigators was the decreased reliance on ad hoc decisions that arise when single species discard/kept ratios are employed.

In a comprehensive evaluation of discarding in the multispecies and multi-country fisheries of the Northwest Atlantic, Watson et al. (2000)[3] also estimated total discards by species using the ratio of discard to total kept. Previous studies of discarding have also relied extensively on discard to kept ratios, and have typically required pooling of information across fisheries. Clarke et al. (2002)[4] used a discard to kept ratio to estimate discards of a squalid shark off the northern coast of Ireland. They noted that this ratio ''enabled the estimation of the total weight discarded by raising the overall discard rate to the reported landings of the target species.'' Harrington et al. (2005)[5] and Zeller and Pauly (2005)[6] also reported a number of discard estimates based on discard to kept ratios.

Allain et al. (2003)[7] considered two methods for estimating the total weights of fish discarded by the French grenadier fleet. Extrapolations of total landings using effort based ratios, as suggested by McAllister, resulted in differences between observed and predicted between -67 and +52 percent per quarter. They noted that real effort is difficult to estimate owing to different fractions of time actually spent on fishing grounds. Instead, they favored a target species (grenadier) approach as the denominator of a discard to kept ratio because ''it was the target species of the fishery, it was the only species both landed and discarded, and it was the most common species in the catches of deepwater commercial trawlers.'' Borges et al. (2005)[8] also analyzed discards at the trip level and considered four ratio estimators. The authors

[1] Pikitch, E.K., J.R. Wallace, E.A. Babcock, D.L. Erickson, M. Saelens, and G. Oddsson. 1998. Pacific halibut bycatch in the Washington, Oregon, and California groundfish and shrimp trawl fisheries. North American Journal of Fisheries Management, 18:569-586.

[2] Stratoudakis, Y., R.J. Fryer, R.M. Cook, and G.J. Pierce. 1999. Fish discarded from Scottish demersal vessels: Estimators of total discards and annual estimates for targeted gadoids. ICES Journal of Marine Science, 56:592-605.

[3] Watson, R., S. Guennete, P. Fanning, and T.J. Pitcher. 2000. The basis for change: Part 1, Reconstructing fisheries catch and effort data. P. 23-39 in D. Pauly and T.D Pitcher (eds) Methods for Assessing the Impacts of Fisheries on Marine Ecosystems in the North Atlantic. Fisheries Centre Res. Rep. 8(2), 195 pp.

[4] Clarke, M.W., P.L. Connolly, and J.J. Braken. 2005. Catch, discarding, age estimation, growth, and maturity of the squalid shark, Deania calceus, west and north of Ireland. Fisheries Research, 55:25-35.

[5] Harrington, J.M., R.A. Myers, and A.A. Rosenberg. 2005. Wasted fishery resources: Discarded bycatch in the USA. Fish and Fisheries, 6:350-361.

[6] Zeller, D. And D. Pauly. 2005. Good new, bad news: Global fisheries discards are declining, but so are total catches. Fish and Fisheries, 6:156-150.

[7] Allain, V., A. Biseau, and B. Kergoat. 2003. Preliminary estimates of French deepwater fishery discards in the Northeast Atlantic Ocean. Fisheries Research, 60:185-192.

[8] Borges L., E. Rogan, and R. Officer. 2005. Discarding by the demersal fishery in the waters around Ireland. Fisheries Research, 76:1-13.

concluded that expansions based on total trips or total landings were most appropriate. Their studies suggested that no single approach may be appropriate for all fishery strata and that the performance of the discard to total kept estimator was sometimes inferior to a simple discard per trip estimator.

The Food and Agricultural Organization of the United Nations has sponsored two of the most comprehensive estimates of worldwide discards. The first, by Alverson et al. (1994),[9] estimated total discards by using ratios of discards to kept of the same species. The second major paper, by Kelleher (2005)[10], updated the Alverson et al. review using total landings in the fleet as the primary raising factor. The SBRM uses an approach similar to Kelleher. The focus is on fisheries rather than target species. Kelleher argues that the relationship between landings and discard of a species is influenced by many different factors and does not constitute an a priori basis for estimation of total discards.

Many attempts in the literature to model bycatch have been based on regression trees and Generalized Additive Models that partition the data into multiple categories (see Stratoudakis et al. 1999[11], Allen et al. 2002[12], Borges et al. 2005[13]). These partitions have been based on post hoc analyses of single species and have been valuable approaches for improving the utility of discard estimates. However, it is not clear how such approaches could be easily applied in the context of multivariate responses. The partitioning of fleets into sectors based on properties observable before the trip is taken is a major attribute of the current NEFOP sampling program (e.g., Cotter et al. 2002[14], Allen et al. 2002). The ability to post-stratify the trips into improved strata after the trip is taken is a responsibility of the individual assessment analyst. The SBRM allows for this process by ensuring that whatever assessment methodology is used, one must consider the total scope of potential discards across all fleets.

NMFS acknowledges that all measures of accuracy based on observations are incomplete, since the ''truth'' (or its approximation) is unknown. However, the multiple lines of evidence used in the SBRM suggest that potential biases in the NEFOP observer data do not negate the utility of all estimates. Several of the data validation issues highlighted by Dr. McAllister were examined as part of a recent Groundfish Assessment Review Meeting (GARM) held in the fall of 2007. This particular meeting of the GARM dealt with the catch, survey, and environmental data that will be used to assess 19 Northeast groundfish stocks in 2008. The review panel, including its chair, included eight independent, external scientists with relevant experience.

In addition to the methods described in the SBRM, another validation approach was presented at the GARM that included a comparison of total landings by species estimated from the observed fraction of the fleet with the actual landings enumerated in the VTR data. In other words, an estimate of the average landings of a single species per total landings in the observer data was multiplied by the total landings of all species in each fleet. If the observer data are a representative sample, the confidence interval for estimated total landings should encompass the true value. Liggens et al. (1997)[15] used a similar approach for estimating observer bias by comparing average catch rates and length frequencies between observed and unobserved vessels. The results of this exercise supported the conclusions presented in the SBRM Amendment, and confirm that the method and underlying data provide sound estimates of discards. For many species and species groups, the estimated landings based on NEFOP data compared favorably to the VTR landings, with the 95 percent confidence interval of the estimated landings encompassing the VTR landings.

The GARM considered this evidence and concluded that the combined ratio method was validated by comparing estimated landings using expanded kept portion of the catch in the observer data to the actual report landing. The estimated landings appear to be in line with the reported total landings. Using kept weight of all species in the denominator of the combined ratio ensures that all the catch data are used in estimating discards. The GARM review panel also concluded that the SBRM documents a number of estimators of discarding and validation of the combined ratio method was provided using the 2005 observer data set by a follow-up analysis. VTR data were used as a surrogate for Dealer data to expand the NEFOP discard ratios to total discards. In most cases (95 percent), there was good correspondence between VTR and Dealer landings, adding confidence to the use of these data, although there were patterns in the data for some species (e.g., surfclam/quahog, hakes) that require further exploration. The GARM concluded that, overall, the technique was synoptic, reasonably well validated, and exhibited little evidence of bias.

Contrary to Dr. McAllister's comments, simulation tests of alternative estimators have been conducted for several species. These results were reviewed as part of the GARM described above. NMFS has also conducted studies to estimate total landings from the observed sample data and have found good agreement for the methods used in the SBRM. Scientists at the Northeast Fisheries Science Center conducted a simulation study of the behavior of six different estimators of total discards, including the combined ratio (discard to kept) and the sample mean estimator (discard to trip) as described in the SBRM Amendment. Results supported the use of the discard to total kept ratio and the simple expansion method. The independent GARM reviewers considered this additional analysis and concluded that the analysis provided a comprehensive simulation study to test the overall performance of a number of discard estimation techniques with respect to bias and precision. Two methods were clearly superior to the other four techniques: The SBRM's combined ratio estimator (ratio of sums) and the direct estimator, based on mean discard per trip scaled up to all trips in the simulation datasets. The latter had been advocated by McAllister for the estimation of discards, and would be the preferred approach if there is no

[9] Alverson, D.L., M.H. Freeberg, S.A. Murawski, and J.G. Pope. 1994. A global assessment of fisheries bycatch and discards. FAO Fisheries Technical Paper No. 339, 235 pp.

[10] Kelleher, K. 2005. Discards in the world's marine fisheries: An update. FAO Fisheries Technical Paper No. 470, 134 pp.

[11] Stratoudakis, Y., R.J. Fryer, R.M. Cook, and G.J. Pierce. 1999. Fish discarded from Scottish demersal vessels: Estimators of total discards and annual estimates for targeted gadoids. ICES Journal of Marine Science, 56:592-605.

[12] Allen, M., D. Kilpatrick, M. Armstrong, R. Briggs, G. Course, and N. Perez. 2002. Multistage cluster sampling design and optimal sample sizes for estimation of fish discards from commercial trawlers. Fisheries Research, 55:11-24.

[13] Borges, L., A.F. Zuur, E. Rogan, and R. Officer. 2005. Choosing the best sampling unit and auxiliary variable for discard estimations. Fisheries Research, 75:29-39.

[14] Cotter, A.J.R., G. Course, S.T. Buckland, and C. Garrod. 2002. A PPS sample survey of English fishing vessels to estimate discarding and retention of North Sea cod, haddock, and whiting. Fisheries Research, 55:25-35.

[15] Liggens, G.W., M.J. Bradley, and S.J. Kennelly. 1997. Detection of bias in observer-based estimates of retained and discarded catches from a multi-species trawl fishery. Fisheries Research, 32:133-147.

correlation between the numerator and denominator of the estimate (i.e., there is no correlation between discard weight and kept weight). However, the GARM reviewers concluded that McAllister's preferred method only provides unbiased estimates of total discards if the total number of trips is known, which is often not the case in the New England fisheries. Total landings estimates are considered more reliable than those of the total number of trips, and so the GARM reviewers concluded that the SBRM's combined ratio estimator of mean discard based on observed trips has the advantage that it can be combined with known landings data to estimate total discards. They considered this to be a pragmatic solution to data deficiencies, and noted that the SBRM appears to provide estimates with similar precision as the direct estimator. The bias in the combined ratio estimator depends on the sample size (number of observed trips) and was negligible for the data being assessed in the simulation study.

Regarding the assertion that a CV of 30 percent is an insufficient precision standard for the SBRM, the commenter identifies, as a suggested alternative, a CV of 10 percent for catch estimates used in stock assessments. However, NMFS points out that estimates of bycatch, which are the focus of this action, are but one aspect of overall catch, which includes all commercial and recreational landings as well as discards. As illustrated in Appendix C to the SBRM Amendment, for most species, discards represent a very small proportion of total catch. Therefore, the CV of the landings estimates contributes much more significantly to the CV of the overall catch than does the CV of the discard estimate. Also, as explained earlier, the data generated through the SBRM are utilized in different ways in individual stock assessments, and that post-stratification techniques available at the individual stock assessment level provide an opportunity to refine estimates as Dr. McAllister suggests. While NMFS agrees that higher precision is always a laudable goal, it notes that the Councils' SSC reviewers, as well as another independent scientist commenting on the SBRM Amendment (see comment 8), all concluded that the proposed standard of a CV of 30 percent is appropriate for its stated purpose.

In sum, NMFS has carefully considered the comments and suggestions made by Dr. McAllister, in some cases conducting additional analyses which have been subjected to an additional level of independent external peer review through the GARM, and found that none of the comments undermine NMFS's findings regarding the adequacy of the Northeast Region SBRM.

Comment 11: One member of the public expressed concern over whether the agency may be unduly swayed in the actions it takes due to political interference. The commenter suggested that all fishing quotas be cut by 50 percent, but no evidence or analysis was provided to support such a reduction.

Response: This comment letter did not address the specific provisions of the SBRM Amendment or its proposed rule, and the comments have no bearing on the agency's decision relative to this action.

Classification

The Administrator, Northeast Region, NMFS, determined that the Northeast Region SBRM Omnibus Amendment is necessary for the conservation and management of Northeast Region fisheries and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

Dated: January 22, 2008

Samuel D. Rauch III

Deputy Assistant Administrator For Regulatory Programs, National Marine Fisheries Service

■ For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.11, paragraphs (h) and (i) are revised to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

* * * * *

(h) *Observer service provider approval and responsibilities*—(1) *General.* An entity seeking to provide observer services must apply for and obtain approval from NMFS following submission of a complete application to The Observer Program Branch Chief, 25 Bernard St Jean Drive, East Falmouth, MA 02536. A list of approved observer service providers shall be distributed to vessel owners and shall be posted on the NMFS/NEFOP website at *http://www.nefsc.noaa.gov/femad/fsb/*.

(2) *Existing observer service providers.* Observer service providers that currently deploy certified observers in the Northeast must submit an application containing the information specified in paragraph (h)(3) of this section, excluding any information specified in paragraph (h)(3) of this section that has already been submitted to NMFS.

(3) *Contents of application.* An application to become an approved observer service provider shall contain the following:

(i) Identification of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and staff. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(ii) The permanent mailing address, phone and fax numbers where the owner(s) can be contacted for official correspondence, and the current physical location, business mailing address, business telephone and fax numbers, and business e-mail address for each office.

(iii) A statement, signed under penalty of perjury, from each owner or owners, board members, and officers, if a corporation, that they are free from a conflict of interest as described under paragraph (h)(6) of this section.

(iv) A statement, signed under penalty of perjury, from each owner or owners, board members, and officers, if a corporation, describing any criminal convictions, Federal contracts they have had, and the performance rating they received on the contract, and previous decertification action while working as an observer or observer service provider.

(v) A description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments. This includes, but is not limited to, recruiting, hiring, deployment, and personnel administration.

(vi) A description of the applicant's ability to carry out the responsibilities and duties of a fishery observer services

provider as set out under paragraph (h)(2) of this section, and the arrangements to be used.

(vii) Evidence of holding adequate insurance to cover injury, liability, and accidental death for observers during their period of employment (including during training). Workers' Compensation and Maritime Employer's Liability insurance must be provided to cover the observer, vessel owner, and observer provider. The minimum coverage required is $5 million. Observer service providers shall provide copies of the insurance policies to observers to display to the vessel owner, operator, or vessel manager, when requested.

(viii) Proof that its observers, either contracted or employed by the service provider, are compensated with salaries that meet or exceed the U.S. Department of Labor (DOL) guidelines for observers. Observers shall be compensated as a Fair Labor Standards Act (FLSA) non-exempt employees. Observer providers shall provide any other benefits and personnel services in accordance with the terms of each observer's contract or employment status.

(ix) The names of its fully equipped, NMFS/NEFOP certified, observers on staff or a list of its training candidates (with resumes) and a request for an appropriate NMFS/NEFOP Observer Training class. The NEFOP training has a minimum class size of eight individuals, which may be split among multiple vendors requesting training. Requests for training classes with less than eight individuals will be delayed until further requests make up the full training class size. Requests for training classes must be made 30 days in advance of the requested date and must have a complete roster of trainees at that time.

(x) An Emergency Action Plan (EAP) describing its response to an ''at sea'' emergency with an observer, including, but not limited to, personal injury, death, harassment, or intimidation.

(4) *Application evaluation*. (i) NMFS shall review and evaluate each application submitted under paragraphs (h)(2) and (h)(3) of this section. Issuance of approval as an observer provider shall be based on completeness of the application, and a determination of the applicant's ability to perform the duties and responsibilities of a fishery observer service provider, as demonstrated in the application information. A decision to approve or deny an application shall be made by NMFS within 15 business days of receipt of the application by NMFS.

(ii) If NMFS approves the application, the observer service provider's name will be added to the list of approved observer service providers found on the NMFS/NEFOP website specified in paragraph (h)(1) of this section, and in any outreach information to the industry. Approved observer service providers shall be notified in writing and provided with any information pertinent to its participation in the fishery observer program.

(iii) An application shall be denied if NMFS determines that the information provided in the application is not complete or the evaluation criteria are not met. NMFS shall notify the applicant in writing of any deficiencies in the application or information submitted in support of the application. An applicant who receives a denial of his or her application may present additional information to rectify the deficiencies specified in the written denial, provided such information is submitted to NMFS within 30 days of the applicant's receipt of the denial notification from NMFS. In the absence of additional information, and after 30 days from an applicant's receipt of a denial, an observer provider is required to resubmit an application containing all of the information required under the application process specified in paragraph (h)(3) of this section to be re-considered for being added to the list of approved observer service providers.

(5) *Responsibilities of observer service providers*. (i) An observer service provider must provide observers certified by NMFS/NEFOP pursuant to paragraph (i) of this section for deployment in a fishery when contacted and contracted by the owner, operator, or vessel manager of a vessel fishing, unless the observer service provider refuses to deploy an observer on a requesting vessel for any of the reasons specified at paragraph (h)(5)(viii) of this section. An approved observer service provider must maintain a minimum of eight appropriately trained NEFOP certified observers in order to remain approved; should a service provider cadre drop below eight, the provider must submit the appropriate number of candidates for the next available training class. Failure to do so shall be cause for suspension of their approved status until rectified.

(ii) An observer service provider must provide to each of its observers:

(A) All necessary transportation, including arrangements and logistics, of observers to the initial location of deployment, to all subsequent vessel assignments, and to any debriefing locations, if necessary;

(B) Lodging, per diem, and any other services necessary for observers assigned to a fishing vessel or to attend an appropriate NMFS/NEFOP Observer Training class;

(C) The required observer equipment, in accordance with equipment requirements listed on the NMFS/NEFOP website specified in paragraph (h)(1) of this section, prior to any deployment and/or prior to NMFS observer certification training; and

(D) Individually assigned communication equipment, in working order, such as a cell phone or pager, for all necessary communication. An observer service provider may alternatively compensate observers for the use of the observer's personal cell phone or pager for communications made in support of, or necessary for, the observer's duties.

(iii) *Observer deployment logistics*. Each approved observer service provider must assign an available certified observer to a vessel upon request. Each approved observer service provider must provide for access by industry 24 hours per day, 7 days per week, to enable an owner, operator, or manager of a vessel to secure observer coverage when requested. The telephone system must be monitored a minimum of four times daily to ensure rapid response to industry requests. Observer service providers approved under paragraph (h) of this section are required to report observer deployments to NMFS daily for the purpose of determining whether the predetermined coverage levels are being achieved in the appropriate fishery.

(iv) *Observer deployment limitations*. Unless alternative arrangements are approved by NMFS, an observer provider must not deploy any observer on the same vessel for two or more consecutive deployments, and not more than twice in any given month. A certified observer's first deployment and the resulting data shall be immediately edited, and approved, by NMFS prior to any further deployments of that observer.

(v) *Communications with observers*. An observer service provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, stationed shoreside, in transit, or in port awaiting vessel assignment.

(vi) *Observer training requirements*. The following information must be submitted to NMFS to request a certified observer training class at least 30 days prior to the beginning of the proposed training class: Date of requested training; a list of observer candidates, with a minimum of eight individuals; observer candidate resumes; and a

statement signed by the candidate, under penalty of perjury, that discloses the candidate's criminal convictions, if any. All observer trainees must complete a basic cardiopulmonary resuscitation/first aid course prior to the beginning of a NMFS/NEFOP Observer Training class. NMFS may reject a candidate for training if the candidate does not meet the minimum qualification requirements as outlined by NMFS National Minimum Eligibility Standards for observers as described in paragraph (i)(1) of this section.

(vii) *Reports*—(A) *Observer deployment reports.* The observer service provider must report to NMFS when, where, to whom, and to what fishery an observer has been deployed, within 24 hours of their departure. The observer service provider must ensure that the observer reports back to NMFS its Observer Contract (OBSCON) data, as described in the certified observer training, within 12 hours of landing. OBSCON data are to be submitted electronically or by other means as specified by NMFS. The observer service provider shall provide the raw (unedited) data collected by the observer to NMFS within 72 hours of the trip landing.

(B) *Safety refusals.* The observer service provider must report to NMFS any trip that has been refused due to safety issues, e.g., failure to hold a valid USCG Commercial Fishing Vessel Safety Examination Decal or to meet the safety requirements of the observer's pre-trip vessel safety checklist, within 24 hours of the refusal.

(C) *Biological samples.* The observer service provider must ensure that biological samples, including whole marine mammals, sea turtles, and sea birds, are stored/handled properly and transported to NMFS within 7 days of landing.

(D) *Observer debriefing.* The observer service provider must ensure that the observer remains available to NMFS, including NMFS Office for Law Enforcement, for debriefing for at least 2 weeks following any observed trip. If requested by NMFS, an observer that is at sea during the 2-week period must contact NMFS upon his or her return.

(E) *Observer availability report.* The observer service provider must report to NMFS any occurrence of inability to respond to an industry request for observer coverage due to the lack of available observers on staff by 5 pm, Eastern Standard Time, of any day on which the provider is unable to respond to an industry request for observer coverage.

(F) *Other reports.* The observer provider must report possible observer harassment, discrimination, concerns about vessel safety or marine casualty, observer illness or injury, and any information, allegations, or reports regarding observer conflict of interest or breach of the standards of behavior must be submitted to NMFS within 24 hours of the event or within 24 hours of learning of the event.

(viii) *Refusal to deploy an observer.* (A) An observer service provider may refuse to deploy an observer on a requesting fishing vessel if the observer service provider does not have an available observer within 72 hours of receiving a request for an observer from a vessel.

(B) An observer service provider may refuse to deploy an observer on a requesting fishing vessel if the observer service provider has determined that the requesting vessel is inadequate or unsafe pursuant to the reasons described at§ 600.746.

(C) The observer service provider may refuse to deploy an observer on a fishing vessel that is otherwise eligible to carry an observer for any other reason, including failure to pay for previous observer deployments, provided the observer service provider has received prior written confirmation from NMFS authorizing such refusal.

(6) *Limitations on conflict of interest.* An observer service provider:

(i) Must not have a direct or indirect interest in a fishery managed under Federal regulations, including, but not limited to, a fishing vessel, fish dealer, fishery advocacy group, and/or fishery research;

(ii) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed; and

(iii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing related activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(7) *Removal of observer service provider from the list of approved observer service providers.* An observer provider that fails to meet the requirements, conditions, and responsibilities specified in paragraphs (h)(5) and (h)(6) of this section shall be notified by NMFS, in writing, that it is subject to removal from the list of approved observer service providers. Such notification shall specify the reasons for the pending removal. An observer service provider that has received notification that it is subject to removal from the list of approved observer service providers may submit information to rebut the reasons for removal from the list. Such rebuttal must be submitted within 30 days of notification received by the observer service provider that the observer service provider is subject to removal and must be accompanied by written evidence that clearly disproves the reasons for removal. NMFS shall review information rebutting the pending removal and shall notify the observer service provider within 15 days of receipt of the rebuttal whether or not the removal is warranted. If no response to a pending removal is received by NMFS, the observer service provider shall be automatically removed from the list of approved observer service providers. The decision to remove the observer service provider from the list, either after reviewing a rebuttal, or if no rebuttal is submitted, shall be the final decision of NMFS and the Department of Commerce. Removal from the list of approved observer service providers does not necessarily prevent such observer service provider from obtaining an approval in the future if a new application is submitted that demonstrates that the reasons for removal are remedied. Certified observers under contract with an observer service provider that has been removed from the list of approved service providers must complete their assigned duties for any fishing trips on which the observers are deployed at the time the observer service provider is removed from the list of approved observer service providers. An observer service provider removed from the list of approved observer service providers is responsible for providing NMFS with the information required in paragraph (h)(5)(vii) of this section following completion of the trip. NMFS may consider, but is not limited to, the following in determining if an observer service provider may remain on the list of approved observer service providers:

(i) Failure to meet the requirements, conditions, and responsibilities of observer service providers specified in paragraphs (h)(5) and (h)(6) of this section;

(ii) Evidence of conflict of interest as defined under paragraph (h)(3) of this section;

(iii) Evidence of criminal convictions related to:

(A) Embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(B) The commission of any other crimes of dishonesty, as defined by state law or Federal law that would seriously

and directly affect the fitness of an applicant in providing observer services under this section;

(iv) Unsatisfactory performance ratings on any Federal contracts held by the applicant; and

(v) Evidence of any history of decertification as either an observer or observer provider.

(i) *Observer certification.* (1) To be certified, employees or sub-contractors operating as observers for observer service providers approved under paragraph (h) of this section must meet NMFS National Minimum Eligibility Standards for observers. NMFS National Minimum Eligibility Standards are available at the National Observer Program website: *http://www.st.nmfs.gov/st4/nop/*.

(2) *Observer training.* In order to be deployed on any fishing vessel, a candidate observer must have passed an appropriate NMFS/NEFOP Observer Training course. If a candidate fails training, the candidate shall be notified in writing on or before the last day of training. The notification will indicate the reasons the candidate failed the training. Observer training shall include an observer training trip, as part of the observer's training, aboard a fishing vessel with a trainer. A certified observer's first deployment and the resulting data shall be immediately edited, and approved, by NMFS prior to any further deployments of that observer.

(3) *Observer requirements.* All observers must:

(i) Have a valid NMFS/NEFOP fisheries observer certification pursuant to paragraph (i)(1) of this section;

(ii) Be physically and mentally capable of carrying out the responsibilities of an observer on board fishing vessels, pursuant to standards established by NMFS. Such standards are available from NMFS/NEFOP website specified in paragraph (h)(1) of this section and shall be provided to each approved observer service provider;

(iii) Have successfully completed all NMFS-required training and briefings for observers before deployment, pursuant to paragraph (i)(2) of this section; and

(iv) Hold a current Red Cross (or equivalence) CPR/first aid certification.

(4) *Probation and decertification.* NMFS has the authority to review observer certifications and issue observer certification probation and/or decertification as described in NMFS policy found on the NMFS/NEFOP website specified in paragraph (h)(1) of this section.

(5) *Issuance of decertification.* Upon determination that decertification is warranted under paragraph (i)(3) of this section, NMFS shall issue a written decision to decertify the observer to the observer and approved observer service providers via certified mail at the observer's most current address provided to NMFS. The decision shall identify whether a certification is revoked and shall identify the specific reasons for the action taken. Decertification is effective immediately as of the date of issuance, unless the decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions. Decertification is the final decision of NMFS and the Department of Commerce and may not be appealed.

■ 3. Add § 648.18 to subpart A to read as follows:

§ 648.18 Standardized bycatch reporting methodology.

NMFS shall comply with the Standardized Bycatch Reporting Methodology (SBRM) provisions established in the following fishery management plans: Atlantic Bluefish; Atlantic Herring; Atlantic Salmon; Deep-Sea Red Crab; Mackerel, Squid, and Butterfish; Monkfish; Northeast Multispecies; Northeast Skate Complex; Sea Scallop; Spiny Dogfish; Summer Flounder, Scup, and Black Sea Bass; Surfclam and Ocean Quahog; and Tilefish.

■ 4. In § 648.21, paragraph (c)(13) is added to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

(c) * * *

(13) Changes, as appropriate, to the Northeast Region SBRM, including the coefficient of variation (CV) based performance standard, fishery stratification, and/or reports.

* * * * *

■ 5. In § 648.24, paragraph (a)(1) is revised to read as follows:

§ 648.24 Framework adjustments to management measures.

(a) * * *

(1) *Adjustment process.* The Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second Council meeting. The Council's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Minimum fish size, maximum fish size, gear restrictions, gear requirements or prohibitions, permitting restrictions, recreational possession limit, recreational seasons, closed areas, commercial seasons, commercial trip limits, commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch, recreational harvest limit, annual specification quota setting process, FMP Monitoring Committee composition and process, description and identification of EFH (and fishing gear management measures that impact EFH), description and identification of habitat areas of particular concern, overfishing definition and related thresholds and targets, regional gear restrictions, regional season restrictions (including option to split seasons), restrictions on vessel size (LOA and GRT) or shaft horsepower, changes to the Northeast Region SBRM (including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs), any other management measures currently included in the FMP, set aside quota for scientific research, regional management, and process for inseason adjustment to the annual specification.

* * * * *

■ 6. In § 648.55, paragraph (e)(32) is revised and paragraph (e)(33) is added to read as follows:

§ 648.55 Framework adjustments to management measures.

* * * * *

(e) * * *

(32) Changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs.

(33) Any other management measures currently included in the FMP.

* * * * *

■ 7. In § 648.77, paragraph (a)(1) is revised to read as follows:

§ 648.77 Framework adjustments to management measures.

(a) * * *

(1) *Adjustment process.* The Council shall develop and analyze appropriate management actions over the span of at

least two Council meetings. The Council must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting, and prior to and at the second Council meeting. The Council's recommendations on adjustments or additions to management measures must come from one or more of the following categories: The overfishing definition (both the threshold and target levels), description and identification of EFH (and fishing gear management measures that impact EFH), habitat areas of particular concern, set-aside quota for scientific research, VMS, OY range, suspension or adjustment of the surfclam minimum size limit, and changes to the Northeast Region SBRM (including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs).

* * * * *

■ 8. In § 648.90, paragraphs (a)(2)(i), (a)(2)(iii), (b)(1)(ii), and (c)(1)(i) are revised to read as follows:

§ 648.90 NE Multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(2) *Biennial review.* (i) Beginning in 2005, the NE Multispecies PDT shall meet on or before September 30 every other year, unless otherwise specified in paragraph (a)(3) of this section, under the conditions specified in that paragraph, to perform a review of the fishery, using the most current scientific information available provided primarily from the NEFSC. Data provided by states, ASMFC, the USCG, and other sources may also be considered by the PDT. Based on this review, the PDT will develop target TACs for the upcoming fishing year(s) and develop options for Council consideration, if necessary, on any changes, adjustments, or additions to DAS allocations, closed areas, or on other measures necessary to achieve the FMP goals and objectives, including changes to the Northeast Region SBRM. For the 2005 biennial review, an updated groundfish assessment, peer-reviewed by independent scientists, will be conducted to facilitate the PDT review for the biennial adjustment, if needed, for the 2006 fishing year. Amendment 13 biomass and fishing mortality targets may not be modified by the 2006 biennial adjustment unless review of all valid pertinent scientific work during the 2005 review process justifies consideration.

* * * * *

(iii) Based on this review, the PDT shall recommend target TACs and develop options necessary to achieve the FMP goals and objectives, which may include a preferred option. The PDT must demonstrate through analyses and documentation that the options they develop are expected to meet the FMP goals and objectives. The PDT may review the performance of different user groups or fleet Sectors in developing options. The range of options developed by the PDT may include any of the management measures in the FMP, including, but not limited to: Target TACs, which must be based on the projected fishing mortality levels required to meet the goals and objectives outlined in the FMP for the 10 regulated species, Atlantic halibut (if able to be determined), and ocean pout; DAS changes; possession limits; gear restrictions; closed areas; permitting restrictions; minimum fish sizes; recreational fishing measures; description and identification of EFH; fishing gear management measures to protect EFH; designation of habitat areas of particular concern within EFH; and changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs. In addition, the following conditions and measures may be adjusted through future framework adjustments: Revisions to status determination criteria, including, but not limited to, changes in the target fishing mortality rates, minimum biomass thresholds, numerical estimates of parameter values, and the use of a proxy for biomass; DAS allocations (such as the category of DAS under the DAS reserve program, etc.) and DAS baselines, etc.; modifications to capacity measures, such as changes to the DAS transfer or DAS leasing measures; calculation of area-specific TACs, area management boundaries, and adoption of area-specific management measures; Sector allocation requirements and specifications, including establishment of a new Sector; measures to implement the U.S./Canada Resource Sharing Understanding, including any specified TACs (hard or target); changes to administrative measures; additional uses for Regular B DAS; future uses for C DAS; reporting requirements; the GOM Inshore Conservation and Management Stewardship Plan; GB Cod Gillnet Sector allocation; allowable percent of TAC available to a Sector through a Sector allocation; categorization of DAS; DAS leasing provisions; adjustments for steaming time; adjustments to the Handgear A permit; gear requirements to improve selectivity, reduce bycatch, and/or reduce impacts of the fishery on EFH; SAP modifications; and any other measures currently included in the FMP.

* * * * *

(b) * * *

(1) * * *

(ii) The WMC shall recommend management options necessary to achieve FMP goals and objectives pertaining to small-mesh multispecies, which may include a preferred option. The WMC must demonstrate through analyses and documentation that the options it develops are expected to meet the FMP goals and objectives. The WMC may review the performance of different user groups or fleet Sectors in developing options. The range of options developed by the WMC may include any of the management measures in the FMP, including, but not limited to: Annual target TACs, which must be based on the projected fishing mortality levels required to meet the goals and objectives outlined in the FMP for the small-mesh multispecies; possession limits; gear restrictions; closed areas; permitting restrictions; minimum fish sizes; recreational fishing measures; description and identification of EFH; fishing gear management measures to protect EFH; designation of habitat areas of particular concern within EFH; changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs; and any other management measures currently included in the FMP.

* * * * *

(c) * * *

(1) * * *

(i) After a management action has been initiated, the Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council shall provide the public with advance notice of the availability of both the proposals and the analyses and opportunity to comment on them prior to and at the second Council meeting. The Council's recommendation on adjustments or additions to management measures, other than to address gear conflicts,

must come from one or more of the following categories: DAS changes, effort monitoring, data reporting, possession limits, gear restrictions, closed areas, permitting restrictions, crew limits, minimum fish sizes, onboard observers, minimum hook size and hook style, the use of crucifer in the hook-gear fishery, fleet Sector shares, recreational fishing measures, area closures and other appropriate measures to mitigate marine mammal entanglements and interactions, description and identification of EFH, fishing gear management measures to protect EFH, designation of habitat areas of particular concern within EFH, changes to the Northeast Region SBRM, and any other management measures currently included in the FMP. In addition, the Council's recommendation on adjustments or additions to management measures pertaining to small-mesh NE multispecies, other than to address gear conflicts, must come from one or more of the following categories: Quotas and appropriate seasonal adjustments for vessels fishing in experimental or exempted fisheries that use small mesh in combination with a separator trawl/grate (if applicable), modifications to separator grate (if applicable) and mesh configurations for fishing for small-mesh NE multispecies, adjustments to whiting stock boundaries for management purposes, adjustments for fisheries exempted from minimum mesh requirements to fish for small-mesh NE multispecies (if applicable), season adjustments, declarations, participation requirements for the Cultivator Shoal Whiting Fishery Exemption Area, and changes to the Northeast Region SBRM (including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs).

* * * * *

■ 9. In § 648.96, the section heading, paragraphs (a), (b)(5), and (c)(1)(i) are revised to read as follows:

§ 648.96 Monkfish annual adjustment process and framework specifications.

(a) *General*. The Monkfish Monitoring Committee (MFMC) shall meet on or before November 15 of each year to develop target TACs for the upcoming fishing year in accordance with paragraph (b)(1) of this section, and options for NEFMC and MAFMC consideration on any changes, adjustment, or additions to DAS allocations, trip limits, size limits, the Northeast Region SBRM (including the CV-based performance standard, fishery stratification, and/or reports), or other measures necessary to achieve the Monkfish FMP's goals and objectives. The MFMC shall review available data pertaining to discards and landings, DAS, and other measures of fishing effort; stock status and fishing mortality rates; enforcement of and compliance with management measures; and any other relevant information.

(b) * * *

(5) *Annual review process*. The Monkfish Monitoring Committee (MFMC) shall meet on or before November 15 of each year to develop options for the upcoming fishing year, as needed, and options for NEFMC and MAFMC consideration on any changes, adjustment, or additions to DAS allocations, trip limits, size limits, the Northeast Region SBRM (including the CV-based performance standard, fishery stratification, and/or reports), or other measures necessary to achieve the Monkfish FMP's goals and objectives. The MFMC shall review available data pertaining to discards and landings, DAS, and other measures of fishing effort; stock status and fishing mortality rates; enforcement of and compliance with management measures; and any other relevant information.

* * * * *

(c) * * *

(1) * * *

(i) Based on their annual review, the MFMC may develop and recommend, in addition to the target TACs and management measures established under paragraph (b) of this section, other options necessary to achieve the Monkfish FMP's goals and objectives, which may include a preferred option. The MFMC must demonstrate through analysis and documentation that the options it develops are expected to meet the Monkfish FMP goals and objectives. The MFMC may review the performance of different user groups or fleet sectors in developing options. The range of options developed by the MFMC may include any of the management measures in the Monkfish FMP, including, but not limited to: Closed seasons or closed areas; minimum size limits; mesh size limits; net limits; liver-to-monkfish landings ratios; annual monkfish DAS allocations and monitoring; trip or possession limits; blocks of time out of the fishery; gear restrictions; transferability of permits and permit rights or administration of vessel upgrades, vessel replacement, or permit assignment; measures to minimize the impact of the monkfish fishery on protected species; gear requirements or restrictions that minimize bycatch or bycatch mortality; transferable DAS programs; changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs; and other frameworkable measures included in §§ 648.55 and 648.90.

* * * * *

■ 10. In § 648.100, paragraph (a) is revised and paragraph (b)(12) is added to read as follows:

§ 648.100 Catch quotas and other restrictions.

(a) *Review*. The Summer Flounder Monitoring Committee shall review each year the following data, subject to availability, unless a TAL has already been established for the upcoming calendar year as part of a multiple-year specification process, provided that new information does not require a modification to the multiple-year quotas, to determine the annual allowable levels of fishing and other restrictions necessary to achieve, with at least a 50–percent probability of success, a fishing mortality rate (F) that produces the maximum yield per recruit (Fmax): Commercial, recreational, and research catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; discards; sea sampling and winter trawl survey data or, if sea sampling data are unavailable, length frequency information from the winter trawl survey and mesh selectivity analyses; impact of gear other than otter trawls on the mortality of summer flounder; and any other relevant information.

(b) * * *

(12) Changes, as appropriate, to the Northeast Region SBRM, including the CV-based performance standard, fishery stratification, and/or reports.

* * * * *

■ 11. In § 648.108, paragraph (a)(1) is revised to read as follows:

§ 648.108 Framework adjustments to management measures.

(a) * * *

(1) *Adjustment process*. The Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council must provide the public with advance notice of the availability of the recommendation(s), appropriate

justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second Council meeting. The Council's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Minimum fish size, maximum fish size, gear restrictions, gear requirements or prohibitions, permitting restrictions, recreational possession limit, recreational seasons, closed areas, commercial seasons, commercial trip limits, commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch, recreational harvest limit, annual specification quota setting process, FMP Monitoring Committee composition and process, description and identification of essential fish habitat (and fishing gear management measures that impact EFH), description and identification of habitat areas of particular concern, overfishing definition and related thresholds and targets, regional gear restrictions, regional season restrictions (including option to split seasons), restrictions on vessel size (LOA and GRT) or shaft horsepower, operator permits, changes to the Northeast Region SBRM (including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs), any other commercial or recreational management measures, any other management measures currently included in the FMP, and set aside quota for scientific research.

* * * * *

■ 12. In § 648.120, paragraph (a) is revised and paragraph (b)(13) is added to read as follows:

§ 648.120 Catch quotas and other restrictions.

(a) *Review*. The Scup Monitoring Committee shall review each year the following data, subject to availability, unless a TAL already has been established for the upcoming calendar year as part of a multiple-year specification process, provided that new information does not require a modification to the multiple-year quotas: Commercial, recreational, and research data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; impact of gear on the mortality of scup; discards; and any other relevant information. This review will be conducted to determine the allowable levels of fishing and other restrictions necessary to achieve the F that produces the maximum yield per recruit (F_{max}).

(b) * * *

(13) Changes, as appropriate, to the Northeast Region SBRM, including the CV-based performance standard, fishery stratification, and/or reports.

* * * * *

■ 13. In § 648.140, paragraph (a) is revised and paragraph (b)(12) is added to read as follows:

§ 648.140 Catch quotas and other restrictions.

(a) *Review*. The Black Sea Bass Monitoring Committee shall review each year the following data, subject to availability, unless a TAL already has been established for the upcoming calendar year as part of a multiple-year specification process, provided that new information does not require a modification to the multiple-year quotas, to determine the allowable levels of fishing and other restrictions necessary to result in a target exploitation rate of 23 percent (based on Fmax) in 2003 and subsequent years: Commercial, recreational, and research catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; discards; sea sampling and winter trawl survey data, or if sea sampling data are unavailable, length frequency information from the winter trawl survey and mesh selectivity analyses; impact of gear other than otter trawls, pots and traps on the mortality of black sea bass; and any other relevant information.

(b) * * *

(12) Changes, as appropriate, to the Northeast Region SBRM, including the CV-based performance standard, fishery stratification, and/or reports.

* * * * *

■ 14. In § 648.160, paragraph (a) is revised and paragraph (b)(9) is added to read as follows:

§ 648.160 Catch quotas and other restrictions.

* * * * *

(a) *Annual review*. On or before August 15 of each year, the Bluefish Monitoring Committee will meet to determine the total allowable level of landings (TAL) and other restrictions necessary to achieve the target fishing mortality rate (F) specified in the Fishery Management Plan for Atlantic Bluefish for the upcoming fishing year or the estimated F for the fishing year preceding the Council submission of the recommended specifications, whichever F is lower. In determining the TAL and other restrictions necessary to achieve the specified F, the Bluefish Monitoring Committee will review the following data, subject to availability: Commercial, recreational, and research catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; discards; sea sampling data; impact of gear other than otter trawls and gill nets on the mortality of bluefish; and any other relevant information.

(b) * * *

(9) Changes, as appropriate, to the Northeast Region SBRM, including the CV-based performance standard, fishery stratification, and/or reports.

* * * * *

■ 15. In § 648.165, paragraph (a)(1) is revised to read as follows:

§ 648.165 Framework specifications.

(a) * * *

(1) *Adjustment process*. After a management action has been initiated, the Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council shall provide the public with advance notice of the availability of both the proposals and the analysis and the opportunity to comment on them prior to and at the second Council meeting. The Council's recommendation on adjustments or additions to management measures must come from one or more of the following categories: Minimum fish size, maximum fish size, gear restrictions, gear requirements or prohibitions, permitting restrictions, recreational possession limit, recreational season, closed areas, commercial season, description and identification of essential fish habitat (EFH), fishing gear management measures to protect EFH, designation of habitat areas of particular concern within EFH, changes to the Northeast Region SBRM (including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports and/or industry-funded observers or observer set-aside programs), and any

other management measures currently included in the FMP.

* * * * *

■ 16. In § 648.200, paragraph (b) introductory text is revised to read as follows:

§ 648.200 Specifications.

* * * * *

(b) *Guidelines*. As the basis for its recommendations under paragraph (a) of this section, the PDT shall review available data pertaining to: Commercial and recreational catch data; current estimates of fishing mortality; discards; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling and trawl survey data or, if sea sampling data are unavailable, length frequency information from trawl surveys; impact of other fisheries on herring mortality; and any other relevant information. The specifications recommended pursuant to paragraph (a) of this section must be consistent with the following:

* * * * *

■ 17. In § 648.206, paragraphs (b)(28) and (b)(29) are revised and paragraph (b)(30) is added to read as follows:

§ 648.206 Framework provisions.

* * * * *

(b) * * *

(28) TAC set-aside amounts, provisions, adjustments;

(29) Changes, as appropriate, to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs; and

(30) Any other measure currently included in the FMP.

* * * * *

■ 18. In § 648.230, paragraphs (a), (b)(4), and (b)(5) are revised and paragraph (b)(6) is added to read as follows:

§ 648.230 Catch quotas and other restrictions.

(a) *Process for setting specifications*. The Spiny Dogfish Monitoring Committee will review the following data at least every 5 years, subject to availability, to determine the total allowable level of landings (TAL) and other restrictions necessary to assure that a target fishing mortality rate specified in the Spiny Dogfish Fishery Management Plan will not be exceeded in each year for which TAL and any other measures are recommended: Commercial and recreational catch data; discards; current estimates of F; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling data; impact of gear other than otter trawls and gill nets on the mortality of spiny dogfish; and any other relevant information.

(b) * * *

(4) Trip limits;

(5) Changes to the Northeast Region SBRM, including the CV-based performance standard, fishery stratification, and/or reports; or

(6) Other gear restrictions.

* * * * *

■ 19. In § 648.237, paragraph (a)(1) is revised to read as follows:

§ 648.237 Framework provisions.

(a) * * *

(1) *Adjustment process*. After the Councils initiate a management action, they shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Councils shall provide the public with advance notice of the availability of both the proposals and the analysis for comment prior to, and at, the second Council meeting. The Councils' recommendation on adjustments or additions to management measures must come from one or more of the following categories: Minimum fish size; maximum fish size; gear requirements, restrictions or prohibitions (including, but not limited to, mesh size restrictions and net limits); regional gear restrictions; permitting restrictions and reporting requirements; recreational fishery measures (including possession and size limits and season and area restrictions); commercial season and area restrictions; commercial trip or possession limits; fin weight to spiny dogfish landing weight restrictions; onboard observer requirements; commercial quota system (including commercial quota allocation procedures and possible quota set-asides to mitigate bycatch, conduct scientific research, or for other purposes); recreational harvest limit; annual quota specification process; FMP Monitoring Committee composition and process; description and identification of essential fish habitat; description and identification of habitat areas of particular concern; overfishing definition and related thresholds and targets; regional season restrictions (including option to split seasons); restrictions on vessel size (length and GRT) or shaft horsepower; target quotas; measures to mitigate marine mammal entanglements and interactions; regional management; changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside program; any other management measures currently included in the Spiny Dogfish FMP; and measures to regulate aquaculture projects.

* * * * *

■ 20. In § 648.260, paragraph (b) introductory text is revised to read as follows:

§ 648.260 Specifications.

* * * * *

(b) *Development of specifications*. In developing the management measures and specifications, the PDT shall review at least the following data, if available: Commercial catch data; current estimates of fishing mortality and catch-per-unit-effort (CPUE); discards; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling, port sampling, and survey data or, if sea sampling data are unavailable, length frequency information from port sampling and/or surveys; impact of other fisheries on the mortality of red crabs; and any other relevant information.

* * * * *

■ 21. In § 648.293, paragraphs (a)(1)(xiv) and (xv) are revised and paragraph (a)(1)(xvi) is added to read as follows:

§ 648.293 Framework specifications.

(a) * * *

(1) * * *

(xiv) Habitat areas of particular concern,

(xv) Set-aside quotas for scientific research, and

(xvi) Changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs.

* * * * *

■ 22. In § 648.321, paragraphs (b)(19) and (b)(20) are revised and paragraph (b)(21) is added to read as follows:

§ 648.321 Framework adjustment process.

* * * * *

(b) * * *

(19) OY and/or MSY specifications;

(20) Changes to the Northeast Region SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, reports, and/or industry-funded observers or observer set-aside programs; and

(21) Any other measures contained in the FMP.

* * * * *

[FR Doc. E8–1436 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070227048–7091–02]

RIN 0648–XF04

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Prohibition on the Possession of Yellowtail Flounder in the U.S./Canada Management Area

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

ACTION: Temporary rule; possession prohibition.

SUMMARY: NMFS announces that 100 percent of the Georges Bank (GB) yellowtail flounder Total Allowable Catch (TAC) has been harvested, and that the Administrator, Northeast (NE) Region, NMFS (Regional Administrator), is prohibiting the harvest, possession, and landing of GB yellowtail flounder by all federally permitted vessels within the entire U.S./Canada Management Area, and maintaining the Eastern U.S./Canada Area closure to limited access NE multispecies days-at-sea (DAS) vessels for the remainder of the 2007 fishing year (through April 30, 2008). This action is being taken under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), is required by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan (FMP), and is intended to prevent over-harvest of the TAC for GB yellowtail flounder during the 2007 fishing year.

DATES: Effective 0001 hours local time January 24, 2008, through April 30, 2008.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Management Specialist, (978) 281–9145, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the GB yellowtail flounder landing limit within the U.S./Canada Management Area are found at § 648.85(a)(3)(iv)(C) and (D). The regulations authorize vessels issued a valid Federal limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area, as defined at § 648.85(a)(1), under specific conditions. The TAC for GB yellowtail flounder for the 2007 fishing year is 900 mt. The regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to increase or decrease the trip limit in the U.S./Canada Management Area to prevent over-harvesting or under-harvesting the TAC allocation . The regulations at § 648.85(a)(3)(iv)(C)(*3*) require the Regional Administrator to prohibit the harvesting, possession, and the landing of GB yellowtail flounder by all federally permitted vessels within the entire U.S./Canada Management Area and close the Eastern U.S./Canada Area to all limited access NE multispecies DAS vessels for the remainder of the 2007 fishing year when 100 percent of the GB yellowtail flounder TAC is projected to be caught.

Based upon the reduced 2007 TAC for GB yellowtail flounder (a 43–percent reduction from 2006), the GB yellowtail flounder trip limit was initially set at 3,000 lb (1,361 kg) per trip to prevent over-harvest during the 2007 fishing year, and to prevent a premature closure of the Eastern U.S./Canada Area, which could result in reduced opportunities to fish for GB cod and GB haddock in the Eastern U.S./Canada Area. On November 27, 2007, the GB yellowtail flounder trip limit was increased to 7,500 lb (3,402 kg) because the 3,000–lb trip (1,361–kg) limit was projected to result in under-harvest of the TAC. The 7,500–lb (3,402–kg) trip limit resulted in an unpredicted high rate of GB yellowtail flounder landings, markedly different from the historical fishing patterns that formed the basis of the projection. On January 10, 2008, the GB yellowtail flounder trip limit was decreased to 1,500 lb (680 kg) from 7,500 lb (3,402 kg) because the rapid catch rate observed since implementing the 7,500–lb (3,402–kg) GB yellowtail flounder trip limit (33 percent of the TAC was caught between December 6, 2007, and January 3, 2008) was projected to result in the TAC being achieved on January 23, 2008.

Based on Vessel Monitoring System data and other available information, as of January 17, 2008, 100 percent of the GB yellowtail flounder TAC has been caught. Based on this information, the Regional Administrator, in accordance with the regulations at § 648.85(a)(3)(iv)(C)(*3*), is prohibiting the harvesting, possession, and the landing of GB yellowtail flounder by all federally permitted vessels within the entire U.S./Canada Management Area, and closes the Eastern U.S./Canada Area to all limited access NE multispecies DAS vessels for the remainder of the 2007 fishing year effective 0001 hours local time January 24, 2008, through April 30, 2008.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3), there is good cause to waive prior notice and opportunity for public comment, as well as the delayed effectiveness for this action, because prior notice and comment, and a delayed effectiveness, would be impracticable and contrary to the public interest. This action prohibits the harvest, possession, and landing of GB yellowtail flounder by all federally permitted vessels within the entire U.S./Canada Management Area and closes the Eastern U.S./Canada Area to limited access NE multispecies DAS vessels for the remainder of the 2007 fishing year (through April 30, 2008). This action is being taken to prevent the GB yellowtail flounder TAC from being exceeded during the 2007 fishing year. This action is required by the regulations at 50 CFR 648.85(a)(3)(iv)(C)(*3*) and is non-discretionary. Since 100 percent of the GB yellowtail flounder TAC is projected to have been harvested as of January 17, 2008, there is insufficient time to allow for public notice, comment, and delayed effectiveness before the TAC will be exceeded.

It was not possible to take this action earlier to provide more time for public comment because of the rapidly increasing GB yellowtail flounder harvest rate, the reduced GB yellowtail flounder TAC, and the ability of NMFS to monitor the harvest (the estimate that 100 percent of the GB yellowtail flounder TAC had been harvested was not available until January 17, 2008). Exceeding the 2007 TAC for GB yellowtail flounder would increase mortality of this overfished stock beyond that evaluated during the development of Amendment 13 to the FMP, resulting in decreased revenue for the NE multispecies fishery, increased economic impacts to vessels operating in the U.S./Canada Management Area, a reduced chance of achieving optimum yield in the groundfish fishery, and unnecessary delays to the rebuilding of this overfished stock.

The potential of prohibiting the harvest, possession, and landing of GB yellowtail flounder by all federally

permitted vessels within the entire U.S./Canada Management Area, and closure of the Eastern U.S./Canada Area to limited access NE multispecies DAS vessels, for the remainder of the 2007 fishing year was announced to the public when the 1,500–lb (680–kg) trip limit was implemented on January 10, 2008. The public is able to obtain information on the rate of harvest of the GB yellowtail flounder TAC via the Northeast Regional Office website (http://www.nero.noaa.gov), which provides at least some advanced notice of a potential action to prevent the TAC for GB yellowtail flounder from being exceeded during the 2007 fishing year. Further, the Regional Administrator's authority to prohibit the harvest, possession, and landing of GB yellowtail flounder by all federally permitted vessels within the entire U.S./Canada Management Area, and close the Eastern U.S./Canada Area to limited access NE multispecies DAS vessels for the remainder of the 2007 fishing year, to ensure the shared U.S./Canada stocks of fish are not exceeded was considered and open to public comment during the development of Amendment 13 and Framework 42 to the FMP. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: January 23, 2008.

Emily H. Menashes,

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

[FR Doc. 08–343 Filed 1–23–08; 2:50 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 070703215–7530–02]

RIN 0648–AU08

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Vessel Monitoring System; Open Access Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule that was published in the **Federal Register** on December 7, 2007, and which becomes effective February 4, 2008. The final rule requires all vessels fishing pursuant to the harvest guidelines, quotas, and other management measures governing the open access groundfish fishery, and all non-groundfish trawl vessels to provide declaration reports and to activate and use a vessel monitoring system (VMS) transceiver unit while fishing off the coasts of Washington, Oregon and California. This action corrects an incorrect cross reference in the final rule which allows vessels that leave the open access fishery to obtain an exemption from the VMS reporting requirements.

DATES: Effective February 27, 2008.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206–526–6110.

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

A final rule to expand the Pacific Coast groundfish fishery vessel monitoring system (VMS) program to include the open access and non-groundfish trawl fisheries was published in the **Federal Register** on December 7, 2007 (72 FR 69162). The final rule contained an error that needs to be corrected. The final rule, which becomes effective on February 4, 2008, requires all vessels fishing pursuant to the harvest guidelines, quotas, and other management measures governing the open access groundfish fishery and all non-groundfish trawl vessels to provide declaration reports and to activate and use a VMS transceiver while fishing in the exclusive economic zone (EEZ) off the coasts of Washington, Oregon and California.

In the drafting of the rule language an incorrect cross reference at § 660.312 (d)(4)(iv) to § 660.312 (b)(2) results in a substantive change in the regulatory requirements. The inclusion of the incorrect cross reference would allow vessels using non-groundfish trawl gear to request and receive an exemption to the VMS program hourly reporting requirements if they do not retain groundfish from the EEZ. This exemption is inconsistent with the structure and purpose of the VMS program. The VMS program requires vessels using non-groundfish trawl gear to have and use VMS if they fish in the EEZ whether or not groundfish are retained. The VMS program is intended to provide for monitoring of compliance with essential fish habitat conservation (EFH) areas where the use of bottom trawl gear is prohibited regardless of whether groundfish are retained in order to protect the bottom habitat. The attached correction is needed so the regulatory language implements the action recommended by the Council and analyzed in the environmental assessment.

Classification

The Assistant Administrator (AA) for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impracticable and contrary to the public interest. NMFS had mis-published this exemption allowance in its final rule (72 FR 69162, December 7, 2008). If this correction were not made promptly, some non-groundfish trawl vessels may operate in the EEZ without VMS and NMFS would be unable to monitor fishing relative to Essential Fish Habitat (EFH) conservation areas where trawling is prohibited in order to protect groundfish habitat. Because a notice and comment rulemaking may take several months to implement it would likely not be effective until after the start of the pink shrimp trawl fishery, a major non-groundfish trawl fishery. In addition, several smaller non-groundfish trawl fisheries may also be currently operating. If purchase of a VMS unit is delayed, reimbursement funds for the purchase of a VMS unit may be unavailable. If reimbursement funds are not available, individual vessel owners would incur the cost of purchasing VMS units. Therefore, it is impracticable and contrary to the public interest to provide prior notice and an opportunity for public comment on this correction.

Dated: January 23, 2008.

Samuel D. Rauch III,

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

■ For the reasons set out in the preamble, 50 CFR part 660 is corrected by making the following correcting amendments:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

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

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

■ 2. In § 660.312, paragraph (d)(4)(iv) is revised to read as follows:

§ 660.312 Vessel Monitoring System (VMS) requirements.

* * * * *

(d)* * *

(4)* * *

(iv) *Long-term departure exemption.* A vessel participating in the open access fishery that is required to have VMS under § 660.312 (b)(3) may be exempted from VMS provisions after the end of the fishing year in which it participated in the open access fishery, providing the vessel submits a completed exemption report signed by the vessel owner that includes a statement signed by the vessel owner indicating that the vessel will not be used to take and retain or possess groundfish in the EEZ or land groundfish taken in the EEZ during the new fishing year.

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[FR Doc. E8–1430 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032–7032–01]

RIN 0648–XF23

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the Gulf of Alaska (GOA). This action is necessary because the first seasonal apportionment of the 2008 Pacific halibut prohibited species catch (PSC) limit specified for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 23, 2008, through 1200 hrs, A.l.t., April 1, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The first seasonal apportionment of the 2008 Pacific halibut PSC limit specified for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA is 10 metric tons as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007) and revision (72 FR 71802, December 19, 2007), for the period 1200 hrs, A.l.t., January 20, 2008, through 1200 hrs, A.l.t., April 1, 2008.

In accordance with § 679.20(d)(1)(vi)(C)(*2*), the Administrator, Alaska Region, NMFS, has determined that the first seasonal apportionment of the 2008 Pacific halibut PSC limit specified for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA has been reached. Consequently, NMFS is prohibiting directed fishing for the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits in the GOA. The species and species groups that comprise the shallow-water species fishery are pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates and ''other species.''

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the shallow-water species fishery by Amendment 80 vessels subject to sideboard limits using trawl gear in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 18, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: January 22, 2008.

Emily H. Menashes,

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

[FR Doc. 08–342 Filed 1–23–08; 2:49 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033–7033–01]

RIN 0648–XF25

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod for vessels participating in the Amendment 80 limited access fishery in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season allowance of the 2008 Pacific cod allowable catch (TAC) specified for vessels participating in the Amendment 80 limited access fishery in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 23, 2008, through 1200 hrs, A.l.t., April 1, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens

Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2008 Pacific cod TAC allocated to vessels participating in the Amendment 80 limited access fishery in the BSAI is 1,839 metric tons as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and revision (72 FR 71802, December 19, 2007). See §§ 679.20(a)(7)(ii)(A), 679.20(a)(7)(iv)(A), and 679.91(c)(4).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the entire A season allowance of the 2008 Pacific cod TAC allocated to vessels participating in the Amendment 80 limited access fishery in the BSAI will be caught as incidental catch in directed fisheries for other groundfish fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 1,839 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels participating in the Amendment 80 limited access fishery in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by vessels participating in the Amendment 80 limited access fishery in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 22, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.91 and is exempt from review under Executive Order 12866.

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

Dated: January 22, 2008.

Emily H. Menashes,

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

[FR Doc. 08–341 Filed 1–23–08; 2:48 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 18
Monday, January 28, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1160

[Docket No. AMS–DA–07–0156; DA–07–05]

National Fluid Milk Processor Promotion Program: Invitation To Submit Comments on Proposed Amendments to the Fluid Milk Promotion Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document invites comments on a proposed amendment to the Fluid Milk Promotion Order (Order). The proposed amendment, requested by the National Fluid Milk Processor Promotion Board (Board), which administers the Order, would reduce the burden of late-payment charges applied to processors who underreport the amount of assessments which they owe to the Board, provided that the processor has not made more than two reporting errors in the prior 12 months. This amendment would reduce the burden of late-payment charges on processors who underpay assessments due to unintentional errors or miscalculations. The Board believes the late-payment charge is a necessary provision of the Order to encourage payment by all processors subject to the assessment and helps ensure the receipt of assessments owed to the Board. However, the Board also believes that there are instances when unintentional errors and miscalculations occur, and in such cases, the late-payment charge could be viewed as excessive. All other provisions of the Order would remain unchanged.

DATES: Comments must be submitted on or before February 27, 2008.

ADDRESSES: Comments on this proposed rule should be identified with the docket number AMS–DA–07–0156; DA–05–07. Commenters should identify the date and page number of the issue of the Proposed Rule. Interested persons may comment on this proposed rule using any of the following procedures:

- *Mail:* Comments may be submitted by mail to Whitney A. Rick, Chief, Promotion and Research Branch, Dairy Programs, AMS, USDA, 1400 Independence Ave., SW., Room 2958–S, Stop 0233, Washington, DC 20250–0233.
- *Internet: www.regulations.gov*.

All comments to this proposed rule, submitted by the above procedures will be available for viewing at: *www.regulations.gov*, or at USDA, AMS, Dairy Programs, Promotion and Research Branch, Room 2958–S, 1400 Independence Ave., SW., Washington, DC, from 9 a.m. to 4 p.m., Monday through Friday, (except on official Federal holidays). Persons wanting to view comments in Room 2958–S are requested to make an appointment in advance by calling (202) 720–6909.

FOR FURTHER INFORMATION CONTACT: Whitney A. Rick, Chief, Promotion and Research Branch, Dairy Programs, AMS, USDA, 1400 Independence Ave., SW., Room 2958–S, Stop 0233, Washington, DC 20250–0233. Phone: (202) 720–6909. E-mail: *Whitney.Rick@usda.gov*.

SUPPLEMENTARY INFORMATION: The Fluid Milk Promotion Order is issued under the Fluid Milk Promotion Act as amended [7 U.S.C. 6401–6417].

Executive Order 12866

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have a retroactive effect. If adopted, this rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1999K of the Act, any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law and request a modification of the Order or to be exempted from the Order. Such person is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act

The Agricultural Marketing Service (AMS) has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612). The proposed rule imposes no new burden on the industry but will in fact reduce late-payment charges applied to processors who underreport the amount of assessments which they owe to the Board provided that the processors have not made more than two reporting errors in the prior 12 months.

Small businesses in the fluid milk processing industry have been defined by the Small Business Administration as those processors employing not more than 500 employees. For purposes of determining a processor's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees. As of June 2007, there were approximately 100 fluid milk processors subject to the provisions of the Order. Most of these processors are considered small entities.

Paperwork Reduction Act

Information collection requirements and recordkeeping provisions contained in 7 CFR part 1250 have been previously approved by the Office of Management and Budget and assigned OMB Control No. 0581–0093 under the Paperwork Reduction Act of 1980.

Background and Proposed Changes

The Fluid Milk Promotion Order (7 CFR Part 1160) is authorized under the Fluid Milk Promotion Act of 1990 (Act) (7 U.S.C. 6401–6417). The Order in section 1160.211(a)(1) provides that each fluid milk processor shall pay to the Board an assessment of $0.20 per hundredweight on fluid milk products

processed and marketed commercially in consumer-type packages in the United States by such fluid milk processors. The Order further provides in section 1160.213 that if the Board or the Secretary determines through an audit of a processor's reports, records, books or accounts or through some other means that additional money is due to the Board, the Board is to notify that processor of the amount due or overpaid. If the processor owes money to the Board, the processor is to remit the underpaid amount by the next due date as provided in section 1160.211 of the Order. If the processor has overpaid, that amount is credited to the processor's account and applied against amounts due in succeeding months.

At the request and on behalf of the Board, Milk Market Administrators verify the total pounds of fluid milk products processed and commercially marketed in consumer-type packages (excluding delivering directly to the residence of a consumer) that were reported to the Board by the milk processors. Total fluid milk products are the sum of fluid milk product route sales and packaged fluid milk products sold to any other plant, less any fluid milk products purchased from other plants. The results of the Market Administrators' verification are forwarded to the Board, and, in accordance with section 1160.214(a), any unpaid assessments are increased by 1.5 percent each month beginning with the day following the date such assessments were due.

The Board has proposed an amendment to section 1160.213 of the Order so that processors who mistakenly underreport their pounds of fluid milk processed and marketed commercially (excluding direct delivery to the residence of a consumer) will not be required to pay late-fee charges on additional assessments owed the Board provided: (1) That no more than two erroneous reports have occurred in the preceding 12-month period and; (2) the processor pays its past due assessments not later than the last day of the month following notification by the Board that additional assessments are due. If more than two erroneous reports have occurred in the preceding 12-month period or the processor fails to submit a past due assessment when notified, late-payment charges will be assessed in accordance with section 1160.214 of the Order. This amendment would reduce the burden of late-payment charges in instances of assessment miscalculations.

The Board believes the late-payment charge is a necessary provision of the Order to encourage payment by all processors subject to the assessment and helps ensure receipt of assessments owed to the Board. However, the Board believes that the late-payment charge could be viewed as excessive when applied to processors in instances of unintentional errors and miscalculations. The proposed amendment to the Order would not add any additional burden to the regulated parties because it relates only to provisions concerning adjustment of accounts.

In fact, the proposed rule would amend the Order to reduce the burden of late-fee charges applied to processors who underreport due to unintentional errors and miscalculations.

A thirty day comment period is provided for interested persons to comment on this proposed action. All comments received by February 27, 2008 will be considered. A thirty day period for public comment is deemed appropriate in order to implement the proposed changes, if adopted, as soon as possible.

List of Subjects in 7 CFR Part 1160

Fluid milk, Milk, Promotion.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1160 be amended as follows:

PART 1160—FLUID MILK PROMOTION PROGRAM

1. The authority citation for 7 CFR part 1160 continues to read as follows:

Authority: 7 U.S.C. 6401–6417.

2. Section 1160.213 is revised to read as follows:

§ 1160.213 Adjustment of accounts.

Whenever the Board or the Secretary determines through an audit of a processor's reports, records, books or accounts or through some other means that additional money is due the Board or to such processor from the Board, the Board shall notify that person of the amount due or overpaid. If the processor owes money to the Board, it shall remit that amount by the next date for remitting assessments as provided in § 1160.211. For the first two erroneous reports submitted by a processor in the preceding twelve-month period, late-payment charges assessed pursuant to Section 1160.214 shall not begin to accrue until the day following such date. For all additional erroneous reports submitted by a processor during the twelve-month period, late-payment charges shall accrue from the date the payment was due. If the processor has overpaid, that amount shall be credited to its account and applied against amounts due in succeeding months.

Dated: January 18, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–1433 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE286; Notice No. 23–08–03–SC]

Special Conditions: Embraer S.A., Model EMB–500, Airspeed Indicating System 23.1323(e)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Embraer Model EMB–500 airplane. This airplane will have a novel or unusual design feature(s) associated with airspeed system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before February 27, 2008.

ADDRESSES: Mail two copies of your comments to: Federal Aviation Administration, Regional Counsel, ACE–7, 901 Locust, Room 506, Kansas City, Missouri 64106. You may deliver two copies to the Small Airplane Directorate at the above address. Mark your comments: Docket No. CE286. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, Small Airplane Directorate Standards Office, ACE–111, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Kansas City, MO 64106; telephone (816) 329–4125; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special

conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number CE286 appears. We will stamp the date on the postcard and mail it back to you.

Background

On October 5, 2005, Embraer applied for a type certificate for their new Model EMB–500. The EMB–500 is predominantly a metal low-wing airplane with a ''T'' tail vertical and horizontal stabilizer. The Model EMB–500 provides accommodations for two pilots and up to four passengers in the main cabin area. It is powered by two Pratt and Whitney Canada PW&C 617F/1 turbofan engines with approximately 1600 pounds of thrust each. The engines are mounted on the aft fuselage pylons. Two redundant FADECs will control each engine. The maximum takeoff weight is 9965 pounds. The V_{MO}/M_{MO} speeds for the model EMB–500 are 275 KIAS/M0.70; and the maximum altitude is 41,000 feet.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Embraer must show that the EMB–500 meets the applicable provisions of part 23, effective February 1, 1965, as amended by amendments 23–1 through 23–55. If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR, part 23) do not contain adequate or appropriate safety standards for the Embraer Model 500 series because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38, and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

In addition to the applicable airworthiness regulations and special conditions, the EMB–500 must comply with the part 23 fuel vent and exhaust emission requirements of 14 CFR part 34 and the part 23 noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''.

Novel or Unusual Design Features

The Embraer Model 500 will incorporate the following novel or unusual design features: aft-mounted turbojet engines, certain performance and flight characteristics, and operating limitations necessary for this type of airplane.

Discussion

The proposed special conditions for the EMB–500 came from the 14 CFR part 23 commuter category. Section 23.1323(e) requires that the airspeed indicating system must be calibrated to determine the system error during the accelerate-takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1, considering the approved ranges of altitude and weight. The ground run calibration must be determined assuming an engine failure at the minimum value of V_1.

Regarding the proposed SC 23.1323(e), Embraer understands that airspeed indicating system calibration in ground-effect should be performed up to the maximum V_2 value, considering the approved range of altitude and weight. As V_1 values are very close to V_2 values on normal takeoffs, calibration up to 1.2 V_1 requires the calibration in ground-effect for speeds higher than V_2, when the airplane is already flying and out of ground-effect. Therefore, Embraer proposes that SC 23.1323(e) be changed to read like part 25, as follows:

''In addition, the airspeed indicating system must be calibrated to determine the system error during the accelerate-takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and the maximum value of V_2, considering the approved ranges of altitude and weight. The ground run calibration must be determined assuming an engine failure at the minimum value of V_1.''

Applicability

As discussed above, these special conditions are applicable to the Embraer Model 500 series. Should Embraer apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Embraer Model 500 series of airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

The FAA agrees with Embraer's position and proposed revision of the special conditions for section 23.1323(e).

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer Model EMB–500 series airplanes:

SC 23.1323(e)

In addition, the airspeed indicating system must be calibrated to determine the system error during the accelerate-takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and the maximum value of V_2, considering the approved ranges of altitude and weight. The ground run calibration must be determined assuming an engine failure at the minimum value of V_1.

Issued in Kansas City, Missouri on January 15, 2008.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–1392 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2008–N–0040] (Formerly Docket No. 2006N–0168)

Food Labeling: Revision of Reference Values and Mandatory Nutrients; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

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

SUMMARY: The Food and Drug Administration (FDA) is extending to April 30, 2008, the comment period for the advance notice of proposed rulemaking (ANPRM) that appeared in the **Federal Register** of November 2, 2007 (72 FR 62149). In the ANPRM, FDA requested comments on what new reference values the agency should use to calculate the percent daily value (DV) in the Nutrition Facts and Supplement Facts labels and what factors the agency should consider in establishing such new reference values. In addition, FDA requested comments on whether it should require that certain nutrients be added or removed from the Nutrition Facts and Supplement Facts labels. The agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: Submit written and electronic comments by April 30, 2008.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2008–N–0040 (formerly Docket No. 2006N–0168), by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal, as described previously, in the **ADDRESSES** portion of this document under *Electronic Submissions*.

Instructions: All submissions received must include the agency name and Docket No(s). and Regulatory Information Number (RIN) (if a RIN number has been assigned) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Paula R. Trumbo, Center for Food Safety and Applied Nutrition (HFS–830), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2579, or e-mail: *Paula.Trumbo@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 2, 2007, FDA published an ANPRM with a 90 day comment period to request comments on the revision of reference values and mandatory nutrients for food labeling, specifically the issues and questions presented in section II of the ANPRM (see 72 FR 62149 at 62168). Comments will inform FDA's approach to revising the reference values and mandatory nutrients for food labeling.

The agency has received requests for a 90-day extension of the comment period to the ANPRM. Each request conveyed concern that the current 90-day comment period, which closes January 31, 2008, does not allow sufficient time to develop a meaningful or thoughtful response to the request for comments on the issues and questions presented in section II of the ANPRM.

FDA has considered the requests and is extending the comment period for the ANPRM for 90 days, until April 30, 2008. The agency believes that a 90-day extension allows adequate time for interested persons to submit comments on the issues and questions presented in section II of the ANPRM without significantly delaying the agency's consideration of how FDA should revise the Nutrition Facts and Supplement Facts labels.

II. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. 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.

Please note that on January 15, 2008, the FDA Web site transitioned to the Federal Docket Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic submissions will be accepted by FDA through FDMS only.

Dated: January 22, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–1446 Filed 1–25–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG–111583–07]

RIN 1545–BG50

Employment Tax Adjustments; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to a notice of proposed rulemaking (REG–111583–07) that was published in the **Federal Register** on Monday, December 31, 2007 (72 FR 74233) relating to employment tax adjustments and employment tax refund claims.

FOR FURTHER INFORMATION CONTACT: Ligeia M. Donis, (202) 622–0047 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this document is under

sections 6011, 6205, 6302, 6402, 6413, and 6414 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG–111583–07) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–111583–07), which was the subject of FR Doc. E7–25134, is corrected as follows:

1. On page 74235, column 2, in the preamble, under the paragraph heading *''Interest-Free Adjustments''*, lines three and four from the bottom of third paragraph of the column, the language ''under section 6511(b)(2) as described above. An interest-free adjustment for'' is corrected to read ''under section 6511(b)(2). An interest-free adjustment for''.

2. On page 74236, column 1, in the preamble, under the paragraph heading *''Claims for Refund''*, seventh line of the first paragraph of the column, the language ''amount pursuant to section 6513(c)(2).'' is corrected to read ''amount pursuant to section 6511(b)(2).''.

LaNita Van Dyke,

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

[FR Doc. E8–1366 Filed 1–25–08; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 73, No. 18
Monday, January 28, 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

Submission for OMB Review; Comment Request

January 22, 2008.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Livestock & Meat Market News.

OMB Control Number: 0581–0154.

Summary of Collection: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621), section 203(q), directs and authorizes the collection and dissemination of marketing information including adequate outlook information, on a market area basis, for the purpose of anticipating and meeting consumer requirements aiding in the maintenance of farm income and to bring about a balance between production and utilization. Livestock and Meat Market News provides a timely exchange of accurate and unbiased information on current marketing conditions affecting trade in livestock, meats, grain, and wool. Administered by the U.S. Department of Agriculture's Agricultural Marketing Service (AMS), this nationwide market news program is conducted in cooperation with approximately 30 States departments of agriculture. AMS will collect information using market reports.

Need and Use of the Information: The information provided by respondents initiates market news reporting, which must be timely accurate, unbiased, and continuous if it is to be meaningful to the industry. AMS will collect information on price, supply, demand, trends, movement, and other information of livestock, meat carcasses, meat and pork cuts, and meat byproducts. Several agencies, agricultural universities and colleges use the information collected to keep appraised of the current market conditions, movement of livestock and meat in the United States and to determine available supplies and current pricing.

Description of Respondents: Business or other for-profit; Individuals or households;

Number of Respondents: 1,109.

Frequency of Responses: Reporting: Weekly; Other (Daily).

Total Burden Hours: 11,640.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E8–1380 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2006–0034]

Salmonella Verification Sampling Program: Response to Comments and New Agency Policies

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice, response to comments, and request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing new policies for the Agency's *Salmonella* Verification Sampling Program and related activities conducted in meat and poultry establishments. These changes include publication of completed FSIS verification sample set results for establishments that show inconsistency in their ability to meet *Salmonella performance standards,* beginning with those from young chicken slaughter establishments; a voluntary incentive-based program for meat and poultry establishments that should yield significant data on attribution of human illness to FSIS-regulated products; and increasing the Agency's use of targeted sampling approaches and collaborative serotype and subtype data. FSIS is taking these actions to advance its efforts to achieve the Agency's public health goal of significantly reducing human cases of salmonellosis. This Notice explains the basis for these actions and responds to comments received by the Agency on its **Federal Register** Notice of February 27, 2006 (71 FR 9772–9777) on *Salmonella* policy.

DATES: Submit comments by February 27, 2008. The policies described in the Notice are planned to take effect March 28, 2008.

ADDRESSES: FSIS invites interested persons to submit comments on this Notice. Comments may be submitted by any of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. FSIS prefers to receive comments through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and, in the ''Search for Open Regulations'' box, select ''Food Safety and Inspection

Service'' and ''Notices'' from the agency drop-down menu and then click on ''Submit.'' In the Docket ID column, select the FDMS Docket Number to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the ''Advanced Search'' function in Regulations.gov.

Mail, including floppy disks or CD–ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue, SW., Room 2534 South Building, Washington, DC 20250.

Electronic mail: fsis.regulationscomments@fsis.usda.gov.

All submissions received must include the Agency name and FDMS docket number FSIS–2006–0034.

All comments submitted in response to this Notice will be posted to the regulations.gov Web site. Comments will also be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION: For further information contact Daniel Engeljohn, PhD, Deputy Assistant Administrator for Office of Policy, Program and Employee Development, FSIS, U.S. Department of Agriculture, Room 349–E, South Building, 14th and Independence SW., Washington, DC 20250–3700, (202) 205–0495, fax (202) 720–2025, e-mail: *daniel.engeljohn@fsis.usda.*

SUPPLEMENTARY INFORMATION:

Background

The actions announced in this Notice result from an Agency re-evaluation of its verification sampling program for *Salmonella* in meat and poultry establishments. Pertinent issues were raised in two previous FSIS **Federal Register** Notices published in April 2003 (68 FR 18593–18596) and February 2006 (71 FR 9772–9777). The Notice of April 2003 asked for public comment on FSIS practices and its then-current thinking about *Salmonella.* The February 2006 Notice responded to public comments on the 2003 Notice, announced changes in how the Agency schedules *Salmonella* verification sample sets and in how it reports sample results, and discussed outstanding concerns and possible new directions.

The *Salmonella* verification sampling program formally began with the Agency's Final Rule on Pathogen Reduction; Hazard Analysis and Critical Control Point (PR/HACCP) Systems that issued on July 25, 1996 (61 FR 38805–38989; *http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/93–016F.pdf*). Among other things, the PR/HACCP rule set *Salmonella* performance standards for establishments that slaughter selected classes of food animals or that produce selected classes of raw ground products. FSIS uses the *Salmonella* performance standards to ensure that each establishment is consistently achieving an acceptable level of performance with regard to controlling and reducing harmful bacteria on raw meat and poultry products. The microbiological performance standards for reduction of *Salmonella* in raw products, coupled with performance criteria for use with *E. coli* testing allow FSIS to verify the effectiveness of process controls in slaughter establishments.

Raw products with established PR/HACCP performance standards include carcasses of cows/bulls, steers/heifers, market hogs, and young chickens (broilers). Processed products measured by performance standards include ground beef, ground chicken, and ground turkey. The performance standards for these product classes are based on the prevalence of *Salmonella* as determined from nationwide microbiological baseline studies that FSIS conducted before PR/HACCP was implemented. In addition, FSIS established a guideline level for young turkey carcasses, relying on a baseline study that the Agency published in 2005 (70 FR 8058–8060; *http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/02–046N.pdf*).

Under the *Salmonella* verification program as conducted from 1996 to 2006, the Agency verified that establishments are meeting a *Salmonella* standard or guideline by having FSIS inspection program personnel collect randomly-selected product samples from randomly-selected individual establishments over the course of a defined number of sequential days of production to complete a sample set. Generally, these tests were conducted once each year for each establishment. Procedures for doing this are described in Appendix E of the PR/HACCP Final Rule (61 FR 38917–38928). The product samples are sent to FSIS laboratories for analysis. The number of samples in a sample set varies by product class. The maximum number of positive samples allowed in a set is based on data from the nationwide baseline studies. The standards were defined on a product class basis so that an establishment operating at the baseline level would have an 80% chance of meeting the standard.

The Agency's February 2006 Notice announced specific actions that the Agency intended to take. FSIS has effected these actions over the last eighteen months. The following is a list of these actions and their current state of implementation:

1: Reporting results of each individual *Salmonella* test to establishments as they become available.

Implemented in July 2006.

2: Posting quarterly nationwide *Salmonella* data by product class.

Implemented in June 2006 beginning with the first quarter of 2006. See *http://www.fsis.usda.gov/Science/Quarterly_Salmonella_Results/index.asp.*

3: Collecting swab samples from turkey carcasses for *Salmonella* analysis.

Implemented in June 2006.

4: Classifying establishments in three process control categories according to their performance in completed sample sets relative to the regulatory performance standard or baseline guidance level for *Salmonella* percent positive in their product class, and scheduling sample collection according to these categories:

Category 1:—Establishments with percent positive *Salmonella* samples at 50% or less of the performance standard or guideline in the two most recent completed sample sets.

Category 2:—Establishments with percent positive *Salmonella* samples above 50% but not exceeding the standard/guideline in the most recent completed sample set.

Category 3:—Establishments with percent positive *Salmonella* samples exceeding the standard/guideline in the most recent completed sample set.

Implemented in July 2006 when a new scheduling algorithm, based on these process control categories, went into effect. The February 2006 Notice explained that a Category 1 ''establishment will [now] be tested no more than once a year, but at least once every two years, unless it gets a result that puts it in Category 2 or 3'' (71 FR at 9776). This algorithm has the effect of placing greater emphasis on scheduling young chicken establishments, which are currently the Agency's top priority.

5: Conducting Food Safety Assessments (FSAs) in establishments in Category 3 for *Salmonella* before sample set failure.

Implemented by FSIS Notice in August 2007.

6: Issuing a new compliance guideline on control of *Salmonella* for young chicken slaughter establishments.

Implemented in August 2006 with publication of ''Compliance Guideline

for Controlling *Salmonella* in Poultry, First Edition'' at *http://www.fsis.usda.gov/PDF/Compliance_Guideline_Controlling_Salmonella_Poultry.pdf*. A second edition, updated to include guidance for controlling *Campylobacter* as well, is in development.

7: Obtaining serotype (species) data from isolates and timely sharing of serotype data with establishments.

Implemented in May 2006. After one of the FSIS field service laboratories reports the analysis results, isolates of *Salmonella*-positive samples are serotyped to identify species at the USDA Animal and Plant Health Inspection Service's National Veterinary Services Laboratories in Ames, Iowa. In recent years virtually all samples positive for *Salmonella* have been serotyped. Identified serotypes are communicated to establishments as soon as they are reported by APHIS to FSIS, usually within two weeks after a sample has been reported as positive. A report listing aggregate identified serotypes by year was posted in August 2007 on the Agency Web site at *http://www.fsis.usda.gov/Science/Serotypes_Profile_Salmonella_Isolates/index.asp*.

8: Obtaining timely access to pulsed field gel electrophoresis (PFGE) subtype data identifying specific strains of *Salmonella* serotypes.

Implemented in August 2007 when FSIS and the Agricultural Research Service (ARS) signed a cooperative Memorandum of Agreement for subtype data sharing. Under this agreement, PFGE subtype information on *Salmonella* isolates collected by FSIS from meat and poultry products is matched with subtype information from isolates associated with human illness in PulseNet, a data base maintained by the Centers for Disease Control and Prevention (CDC). FSIS has routine access to data for all subtype isolates maintained by ARS, in a time frame short enough to be relevant to in-plant and public health investigations.

9: Updating baseline studies to better measure improvements in pathogen reduction in all classes of raw product.

Implemented; a new young chicken baseline began in June 2007, and a young turkey baseline is scheduled for 2008. Additional baselines are being planned for the future.

10: Monitoring process control changes and movement between Categories 1, 2, and 3 by tracking *Salmonella* percent positive in verification samples by product class over the course of a full year beginning in July 2006.

Implemented. In the February 2006 Notice, the Agency established its goal of having 90% of all meat and poultry establishments manufacturing raw classes of product subject to *Salmonella* testing in Category 1 by October 1, 2010. In addition, FSIS explained that it would consider taking action to provide incentives for enhanced public health protection if that benchmark had not been met by July 2007. As of the benchmark date of June 30, 2007, Category 1 included 73% of turkey establishments, 72% of young chicken establishments, 60% of market hog establishments, 59% of cow/bull establishments, and 45% of steer/heifer establishments. As of September 30, 2007, Category 1 included 84% of turkey establishments, 73.5% of young chicken establishments, 63% of market hog establishments, 61% of cow/bull establishments, and 45% of steer/heifer establishments. While these results did not reach the July 2007 benchmark, they are encouraging signs of progress. Though the Agency is encouraged by this progress, it has continuing concerns about the adverse effects of *Salmonella* on public health. FSIS has determined, therefore, that more robust incentives, including publication of establishment verification sampling results, are necessary to encourage the industry to improve its performance in controlling *Salmonella*.

Public Health Concerns

To put the 2006–2007 results of the *Salmonella* verification program cited above in perspective, CDC has reported that in 2006 *Salmonella* serotypes accounted for 38.6% of all human foodborne infections, making it the most common human foodborne pathogen (*http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5614a4.htm?s_cid=mm5614a4_e*). Moreover, the U.S. Department of Health and Human Services National Food Safety Objectives ''Healthy People 2010''—which USDA and FSIS use to guide strategic planning for public health—set a goal of 6.8 cases of salmonellosis per 100,000 persons by 2010 (*http://www.healthypeople.gov/document/tableofcontents.htm*). The 2006 rate for human *Salmonella* infections reported by CDC is 14.81 cases per 100,000 persons, more than double the target rate for Healthy People 2010. This represents only a slight decrease in overall human infections from *Salmonella* serotypes from an incidence of approximately 16.8 cases per 100,000 persons in the CDC reference period of 1996–98.

Meat and poultry products contain some serotypes of *Salmonella* that are rarely found in human patients suffering from salmonellosis, but other serotypes found in various meat and poultry products are among those often identified in human cases. The seven most commonly identified *Salmonella* serotypes causing human infection in the United States according to the CDC are *Typhimurium*, *Enteriditis*, *Newport, Javiana, Montevideo, Heidelberg*, and I 4, [5], 12:i:–. Combined, these serotypes accounted for 64% of human cases of salmonellosis. The CDC notes that of these seven most common *Salmonella* serotypes found in human infections in 2006, only *Typhimurium* has declined since the 1996–98 baseline study, and its incidence since 2003 has been stable. *S. Enteriditis*, however, has increased by 28% since 1996–98. *S. Newport*, which has shown signs of mutation toward multi-drug resistance, has increased by 42% since 1996–98.

Most importantly, the CDC has determined that poultry is an effective vector for *S. Enteriditis*, a cause of human infections. A FoodNet case-control study found that human infections that were associated with eating chicken displayed *Enteriditis* bacteriophage type (PT) strains that matched the predominant strains that are isolated from chickens. This match in PT strains indicates that the association in the cases between eating chicken and human illness was causal.

FSIS has reported its own data showing an increase during calendar years 2000–2005 in the frequency of isolation in young chickens of *Salmonella*, particularly *S. Enteriditis* (*http://www.fsis.usda.gov/Science/Progress_Report_Salmonella_Testing/index.asp*). The percent positive of *Salmonella* samples in young chicken establishments tested by the Agency's PR/HACCP verification program increased from 11.5% in 2002 to 12.8% in 2003, 13.5% in 2004, and 16.3% in 2005. In 2006, however, the Agency's testing program showed the lowest percentage of young chickens that had tested positive for *Salmonella* in several years—11.4%. This 30% decrease in percent positive samples from 2005 is noteworthy, particularly given that beginning with 2006 FSIS has directed its resources toward testing young chicken establishments with variable or highly variable process control in order to reverse the upward trend in percent positives seen in such establishments. This one-year reversal is promising, though the change in FSIS sampling direction in 2006 makes comparisons of percent positive samples with previous years uncertain. The trend will need to be confirmed and of course sustained.

During the 2000–2005 period, the annual number of *S. Enteriditis* isolates found by FSIS increased more than four-fold, and the percentage of establishments with sample isolates positive for *Enteriditis* increased by nearly three-fold (*http://www.cdc.gov/ncidod/EID/vol12no12/06–0653.htm*). During 2000–2005, the number of states with *Enteriditis* isolates found in young chickens sampled by FSIS increased by 71%. Moreover, the predominant *Enteriditis* bacteriophage types found were PT 13 and PT 8, strains isolated from human infections associated with eating chicken as described in the CDC report cited above. FSIS data from 2006 show that the proportion of *Enteriditis* found among all poultry isolates of *Salmonella* jumped from 7.71% in 2005 to 13.66%, a 77.2% increase (*http://www.fsis.usda.gov/PDF/Serotypes_Profile_Salmonella_Tables_&_Figures.pdf#page=61*).

In addition, an emerging concern for the Agency is the *Salmonella* serotype having the antigenic formula I 4,[5],12:i:–, which has been increasingly recognized by CDC since the mid-1990's in human illness cases. In 2006 the serotype was the 7th most commonly identified serotype in U.S. human surveillance data. FSIS began reporting antigenic formulas in 2004. In 2004 and 2005, I 4,[5],12:i:– was the sixth most commonly identified serotype in young chicken isolates, and in 2006 it was the fifth most commonly identified serotype in young chicken isolates.

FSIS notes that product classes other than young chickens have not shown such persistent upward trends, and the percentage of positive verification samples has declined for all three beef product classes. The Agency has become concerned, however, about the rise in human illnesses attributable to *S. Newport* beginning in the late 1990's. *S. Newport*, which has shown signs of developing resistance to antibiotics, is found most notably in the cattle classes and especially ground beef but has been detected in all FSIS-regulated commodities.

Posting of Completed Verification Sample Set Results

Given the concerns described above with serotypes of human health significance and the fact that the goal of having 90% of establishments in Category 1 was not reached by July 1, 2007, FSIS will begin publishing completed *Salmonella* sample set results from young chicken slaughter establishments with variable (Category 2) and highly variable (Category 3) process control. This decision was foreshadowed in the February 2006 Notice when the Agency stated that by providing information on *Salmonella* performance:

> FSIS believes it would be providing the appropriate incentive for the meat and poultry slaughter industry to attain consistent, good control for *Salmonella*. (71 FR at 9776)

The Agency believes that it is appropriate to begin by publishing the results from young chicken slaughter establishments because the Agency's consistent priority has been to address the adverse trends in *Salmonella* percent positive samples seen in young chickens during 2000–2005 and the serotypes of human health significance found in them. A prototype table for Web posting of these results has been published on the Agency Web site (*http://www.fsis.usda.gov/PDF/Salmonella_Initiative_Prototype.pdf*). Posting of these results will begin 60 days after the publication of this Notice. Posting of results from Category 2 and 3 establishments slaughtering other product classes will begin 120 days after the publication of this Notice.

FSIS believes it important to publish results from establishments in these categories of greater concern because targets set by the agency have not been met, despite the Agency's allocation of a greater amount of its verification sampling program resources to establishments in Categories 2 and 3 since 2006. FSIS is still considering, however, whether publishing completed verification sample set results from young chicken slaughter establishments showing consistent (Category 1) process control, as well as from other meat and poultry product classes, would be useful in terms of creating incentives for greater process control. FSIS will closely monitor Freedom of Information Act (FOIA) requests related to this issue, as well as comments received, and expand or modify the publication process as necessary. As with the individual sample results that have been reported to establishments since 2006, all unpublished completed sample set results are available upon request under FOIA.

Salmonella Initiative Program (SIP)

FSIS stated in the February 2006 **Federal Register** Notice (71 FR at 9776):

> [T]he Agency is aware that limits on linespeeds are a concern to both the young poultry slaughter and the hog slaughter industries. If widespread action within these industries controlled *Salmonella* contamination such that the Agency, in its testing of carcasses, consistently found industry-wide results at half or below half the current standard/baseline guidance, FSIS would be prepared to consider allowing the industries to study whether linespeeds could be increased above the current regulatory limits. * * * Such studies could be conducted through existing regulatory provisions for a waiver of the meat and poultry regulations (9 CFR 303.2 and 381.3).

Since the February 2006 Notice, poultry establishments have expressed interest in specific waivers that would either permit an increase in the volume of birds slaughtered or allow the chilling of eviscerated carcasses in a different manner than is allowed by existing time/temperature requirements.

The Agency has developed the *Salmonella* Initiative Program (SIP) to offer such waivers to Category 1 establishments, which have already met the current FSIS goals, as an incentive for volunteer meat and poultry slaughter and processing establishments to increase process control efforts for *Salmonella* and *Campylobacter*. Although the February 2006 **Federal Register** notice discussed specifically allowing young poultry and hog slaughter industries to study whether linespeeds could be increased above the current regulatory limits, all slaughter or processing establishments that produce product subject to *Salmonella* standards or guidelines would be eligible to apply for the SIP. The SIP was published as a prototype on August 31, 2007 (*http://www.fsis.usda.gov/PDF/Salmonella_Initiative_Program_Criteria.pdf*). The SIP is designed to facilitate definite improvements in ongoing control for *Salmonella* in all classes of raw product subject to *Salmonella* standards or guidelines, as stated in 9 CFR 303.1(h) and 381.3(b). The SIP will have the further benefit of providing key microbial data to the Agency from sampling and analysis conducted by establishments that would volunteer for the SIP. For SIP, the Agency will waive provisions of the meat and poultry regulations so that new procedures, equipment, or processing techniques can be tested. To participate in the SIP, establishments must submit a request in accordance with specific criteria.

Program Criteria

To be eligible, an establishment must be in Category 1 as a result of FSIS *Salmonella* verification sample testing, with at least one of the sample sets being completed since February 2006. An establishment selected for the Program must provide FSIS with copies of relevant information about its food safety system (e.g., interventions in use, volume of production, evisceration equipment type, line speeds, laboratory analytic procedures, and establishment sample set percent positive rate).

Such establishments would be expected to operate under a waiver to 9

CFR 310.25 or 381.94 (Contamination with microorganisms; process control verification criteria and testing; pathogen reduction standards). An establishment selected for the SIP will be required to take samples for microbial analysis on each line every day and during each shift. The sample set is to be the same size as that used by FSIS for verification testing of the specific product class, but, unlike current FSIS practice, the establishment may take multiple samples on one day. Each month establishments selected for the Program and maintaining a Category 1 level of performance must, upon FSIS request, provide the Agency with the *Salmonella* isolates from a randomly selected establishment-collected set.

Each week poultry slaughter establishments selected for the SIP will collect at least one sample at both rehang and post chill. Establishments will collect the postchill sample at the approximate time the carcass sampled at re-hang would move to postchill, so as to reflect the time it takes for a carcass to pass from rehang to post chill. The establishment is to analyze the samples for *Campylobacter*, generic *Escherichia coli*, and *Salmonella*. At least monthly, at least one rehang sample and one matched post-chill sample positive for any of these microorganisms must be enumerated. The results must be provided to FSIS at least quarterly.

The *Salmonella* percent positive rate for all sample sets collected by either FSIS or the establishment will need to be maintained at or below half the acceptable number of positive samples in the current standard/guideline—e.g., 6 or fewer positive results from a randomly selected set of 51 young chickens. If at any time the percent positive rate, with either FSIS or establishment testing, exceeds half the acceptable number of positive samples in the current standard/guideline, the establishment must immediately suspend operating under any waiver of the regulations, as well as intensify the frequency of daily testing. A Category 1 level must be re-established within one quarter for the establishment to remain in the SIP.

A selected establishment that at any time falls to a Category 2 or 3 level will have to provide FSIS with all *Salmonella* and *Campylobacter* isolates from all establishment-collected sets for each week until it meets the requirements for a Category 1 establishment, which must be accomplished within one quarter. FSIS will conduct serotyping and PFGE subtype pattern identification for the isolates and then, in collaboration with CDC, assess the patterns against clinical isolate patterns in PulseNet. FSIS will provide information to the establishment about its samples monthly.

The Agency will check on establishment process control under SIP by evaluating the laboratory performing microbial testing for an establishment to ensure that the laboratory is following appropriate procedures, reviewing establishment data to ensure that the establishment is operating at a Category 1 level, and conducting unannounced sampling. For such unannounced sampling, FSIS would obtain a portion of the establishment's samples collected that day. For samples resulting in the collection of rinsate, FSIS would gather 200 milliliters of the 400 milliliters of the rinse liquid used in establishment sampling per the PR/HACCP final rule. For ground product samples, FSIS would take one-half of the establishment collected sample, of a weight sufficient for testing. These ''split samples'' would be analyzed by FSIS for *Salmonella* and used to determine whether the establishment is maintaining effective and consistent process control and whether its testing procedures are valid. Internal Agency statistical analysis suggests that use of 12 samples per quarter would not provide definite verification that the establishment is in fact operating at a Category 1 level, but that given a certain number of positive samples (e.g., 3 out of 12 for young chickens), it would be sufficient to indicate that FSIS can no longer be confident that the establishment is operating at a Category 1 level. Such results would indicate that the processes to control *Salmonella* may be out of control and therefore warrant further investigation and action by FSIS. As with the individual sample results that have been reported to establishments since 2006 and any unpublished completed sample set results, the results from unannounced sampling are available upon request under FOIA.

FSIS will terminate the Program in establishments that cannot regain a Category 1 status within one quarter—i.e., an establishment must have percent positive *Salmonella* samples at 50% or less of the performance standard or baseline guideline.

Establishments must agree that they will provide FSIS with at least 30 days notice if they decide to terminate their participation in the program.

Application Process

All SIP applications and requests for waivers should follow the guidelines for submitting notifications and protocols for new technologies posted on the FSIS Web site at *http://www.fsis.usda.gov/regulations/New_Technology_Notification_&_Protocol_Submission/index.asp*. Applications should be addressed to Dr. Isabel Arrington at: *Isabel.Arrington@fsis.usda.gov.*

FSIS foresees no limit on the number of slaughter or processing establishments selected for the Program provided that no changes in inspection would be required. The Agency, however, will select no more than five establishments in which any waiver of regulatory requirements may affect inspection whereby additional inspectors are needed. Preference for selection of establishments where FSIS inspection personnel would be increased will be given to those establishments 1) with a positive rate for all sample sets collected by FSIS since February 2006 of half the rate required to be in Category 1 (e.g., 5% for young chickens), as well as for establishment-collected sample sets completed within the past quarter, and 2) that in their HACCP plans identify *Salmonella* as a hazard reasonably likely to occur or have written controls in place to address *Salmonella* within the Sanitation Standard Operating Procedures or other HACCP prerequisite programs. Establishments requesting waivers that would require additional inspectors will have 15 days after the publication of this Notice to submit their requests. Establishments that have already submitted applications before the publication of this Notice do not need to re-submit their applications.

Establishments participating in the SIP can request waivers to FSIS regulations if they can demonstrate that operating under such waivers would facilitate definite improvements, as provided for in 9 CFR 303.1(h) or 381.3(b), whereby half the Category 1 criterion for *Salmonella* is maintained. An establishment may further request a waiver to any other regulatory requirement that it can demonstrate can be appropriately waived under 9 CFR 303.1(h) or 381.3(b). The Agency will respond to requests for waivers within 60 days.

Establishments that are currently operating under waived regulations for On-Line Reprocessing (OLR) will have six months from the date of publication of this Notice to decide if they wish to continue under a waiver by applying for the SIP or otherwise revert to operating without a waiver. After that six-month period, all OLR waivers will be terminated. An establishment that chooses to terminate its OLR waiver or has an OLR waiver terminated at six months after publication of this Notice can apply for a waiver under SIP after

a waiting period of nine months after termination of the old waiver.

Establishments that are currently operating under waived regulations for the HACCP-based Inspection Models Project (HIMP) will also have six months from the date of publication of this Notice to decide if they wish to continue receiving waivers by applying for the SIP or otherwise revert to operating without a waiver. After that six-month period, all HIMP waivers will be terminated. An establishment that chooses to terminate its HIMP waiver or has an HIMP waiver terminated at six months after publication of this Notice can apply for a waiver under SIP after a waiting period of nine months after termination of the old waiver.

FSIS plans to continue developing the SIP to collect data that would allow the Agency to determine the appropriateness of a regulation incorporating elements of the SIP into a public health based poultry slaughter inspection system.

Restructuring the *Salmonella* Verification Program

Sampling and Testing Initiatives

To meet the complex challenge for public health protection presented by *Salmonella,* FSIS has decided that it will need to sample meat and poultry products targeted through the use of available data. This type of targeted approach represents a shift from randomly based sampling of all meat and poultry establishments, regardless of the relative risk posed, that the Agency conducted before July 2006 when it defined the three process control categories for meat and poultry establishments according to their performance relative to a performance standard or guideline.

Using the new sample scheduling algorithm adopted in 2006, each month FSIS now schedules approximately 75 new verification sample sets for *Salmonella* in raw classes of product. FSIS allocates its sampling resources within classes of raw product based on consideration of specified criteria. If criterion 1 (All new plants regardless of product class) does not obligate all 75 available sample sets, then criterion 2 (All Category 3 plants regardless of product class) is fulfilled; when criterion 2 does not obligate all available sample sets, then criterion 3 (All Category 2 plants, depending upon product class) would be fulfilled, etc. (For a full discussion of the sample scheduling algorithm, see *http://www.fsis.usda.gov/Science/Scheduling_Criteria_Salmonella_Sets/index.asp.*) As a result of allocating resources in this way, rather than sampling randomly, FSIS is now able to fulfill many of the higher priority criteria, *i.e.* the Agency is able to complete current sampling of establishments of greater concern.

Because Category 1 establishments are normally not scheduled for verification sampling until at least a year after their last set, the Agency is developing an algorithm for random unannounced sampling to be conducted at all Category 1 establishments during the period that may extend up to two years between full *Salmonella* verification sets. The purpose of this unannounced sampling algorithm is to ensure that establishments currently in Category 1 maintain their performance. The Agency's current thinking is that it will conduct quarterly, random sampling at Category 1 establishments. As with the individual sample results that have been reported to establishments since 2006 and any unpublished completed sample set results, the results from unannounced sampling are available upon request under FOIA.

The Agency has recognized that low-volume raw ground beef producers, producing less than 1000 pounds of product per day, constitute a large part of the sampling frame for establishments eligible for verification sample set scheduling though they account for a very small proportion of the raw ground beef supply. Since production of ground beef at these establishments may not occur throughout a week or month, sampling them for *Salmonella* may be extended for a year or more before a set is completed, as opposed to no more than a couple of months of sampling for higher volume establishments.

Consequently, FSIS is developing plans for modifying its sampling procedures at very low-volume establishments. The Agency has determined that a more practical approach for low volume establishments would be to test the samples that are already being collected at these establishments for *E. coli* O157:H7 for *Salmonella* as well. As a result, these establishments will be removed from the PR/HACCP verification sample set scheduling frame. The FSIS field service laboratories will perform qualitative testing for the presence or absence of *Salmonella* using the same methodology, discard criteria, and reporting as those in place for *Salmonella* ground beef HACCP samples. Samples that screen positive will be quantitatively analyzed, i.e. the *Salmonella* organisms present will be enumerated, using the MPN (Most Probable Number) procedure.

Import samples from ground beef or trim may also be tested for *Salmonella* as well as other pathogens of public health concern, with the PFGE patterns being entered into PulseNet for attribution purposes.

FSIS will exclude from the *Salmonella* verification testing program schedule any slaughter establishment that processes all carcasses slaughtered into ready-to-eat (RTE) product or diverts all of its raw products to another official federally-inspected establishment for further processing into a RTE product. If the establishment is undergoing sampling for *Salmonella*, but then elects to send all affected product to RTE, FSIS will continue to sample until the set is completed. At the end of the set, FSIS will verify that all product will be designated for further processing into RTE product within the establishment or in another Federal establishment. If and when such establishments again produce raw product for sale, they will be re-scheduled for *Salmonella* verification sets.

In addition, FSIS will identify and sample all sub-groups of raw classes of product that are not currently tested in full verification sets. For example, FSIS intends to identify and sample all ratite or religious-exempt operations, at least quarterly. FSIS will report individual results back to establishments, determine the aggregate percent positive rate for each sub-group of product classes, and post the aggregate percent positive rate for the subgroup at the Agency Web site. FSIS will also identify and implement a data analysis plan to ensure that the Agency is aware of adverse trends in percent positive samples. As with all pathogen-positive samples, isolates will be further assessed for their PFGE patterns and the patterns will be included in PulseNet for attribution purposes.

Data Usage

As noted above, the Agency committed in the last several years to serotyping all isolates of *Salmonella* that it finds in sampling meat and poultry products. In the past, sampling for *Salmonella* showed only positive or negative results, indicating the presence or absence of detectable *Salmonella* but not the specific dominant serotype present in a positive sample. *Salmonella* includes at least 2500 serotypes, or subspecies, and many of them are rarely associated with human illness.

As discussed above, isolates from *Salmonella*-positive samples are sent from the FSIS Field Service laboratories to the USDA–APHIS National Veterinary Services Laboratories (NVSL)

for bacteriophage serotyping. FSIS reports the identified serotypes that NVSL finds in the product to the originating establishment after it receives the results from APHIS. Obtaining and sharing serotype information in this way enables both FSIS and meat and poultry establishments to determine and monitor the serotypes of human health significance that are appearing in Agency sampling. All identified serotypes are now aggregated by year and reported on the Agency Web site at *http://www.fsis.usda.gov/Science/Serotypes_Profile_Salmonella_Isolates/index.asp*.

The Agency is beginning to use the level of common serotypes of human health significance, based on percentile distributions of available serotype data, in evaluating establishment performance. For young chickens, for example, 0–1 such serotypes of human health significance in a verification set of 51 samples would be considered a low level, 2–4 would be a medium level, and 5 or more would be a high level. FSIS is now including the level of serotypes of human health significance in the End of Set letter it sends to each establishment upon completion of a verification sample set for *Salmonella*. This serotype information will help an establishment in evaluating and improving its process control performance.

The Agency schedules a Food Safety Assessment (FSA) at any establishment with either a medium or high level of serotypes of human health significance found in the most recent *Salmonella* verification sample set. An FSA is scheduled as soon as possible for any establishment that has failed a *Salmonella* verification set before the full set has been completed, as was announced in the February 2006 **Federal Register** Notice on Salmonella policy.

Because the Agency is now able to complete sampling for many high priority establishments, it is beginning to advance sample set scheduling of Category 1 establishments based on the presence of serotypes of human health significance in the product. In some cases, this factor may mean that, even though an establishment is in Category 1, it will be tested within one year of the completion of its last sample set.

Identifying the specific serotypes found in FSIS sampling was an important advance in estimating the impact of meat and poultry products on public health. A fundamental issue for the Agency has been what the public health community calls ''the attribution gap''—the question of the relationship between findings of Salmonella in meat and poultry products and human cases of salmonellosis. In serotyping all samples that are positive for Salmonella, FSIS has taken a key initial step toward answering this question and intends to take further steps in the near future.

An even more targeted approach that is now being used extensively is subtyping, which identifies the specific genetic strains found in positive samples. All FSIS sample isolates are PFGE-subtyped by the Agricultural Research Service (ARS), which also tests isolates for Anti-Microbial Resistance (AMR) as mentioned above in reference to *S. Newport.*

As of August 2007, FSIS has continuous direct access to the ARS VetNet database for PFGE subtypes. FSIS is now able to compare the PFGE patterns from its positive samples to those available in the CDC PulseNet database of cases of human illness. As a result, FSIS should be able to get a clearer picture of whether, and the extent to which, the products that it regulates are contributing to human illness.

The Agency is also exploring the possibilities for sharing and use of industry data as a supplement to data gathered by FSIS and other public organizations. On August 8–9, 2007, FSIS hosted a public meeting of the National Advisory Committee on Meat and Poultry Inspection (NACMPI) to review and discuss, among other things, mechanisms for sharing industry data with FSIS (see *http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/2007–0027.htm).* The SIP described above is designed in part to obtain data from the industry beyond what FSIS is able to gather itself. The serotyping and enumeration data obtained from the SIP may be particularly useful in answering the question of to what degree human illnesses result from FSIS-regulated products.

Response to Comments on the Federal Register Notice of February 27, 2006

In deciding how to proceed, the Agency considered the nine comments it received during the comment period on the Notice it published in February 2006 (one comment was sent twice in different formats and registered twice). One additional comment that was received well after the comment period closed involved an industry proposal for a specific incentive program.

Categories

One comment stated that the performance categories should be expanded to capture more nuances in plant performance over time. This point was echoed by other commenters, who expressed concern that the 3-category scheme is too broad.

FSIS Response: The Agency continues to believe that the 3-category scheme is appropriate. It is easy to administer, and it captures the most important information regarding *Salmonella* control in establishments.

Quarterly Summary of Salmonella Positives

Several comments asserted that data presented as a quarterly aggregate could be misleading since testing is ''biased'' toward plants with marginal or substandard performance and because of seasonal variation in *Salmonella* positives. On the other hand, another comment stated that, since establishments will now receive individual sample results as soon as they are available, they can adjust their processes so as to avoid ''failing'' sets and thus may make performance appear to be better than it is.

FSIS Response: The Agency's decision to sample a higher percentage of establishments, as described above, and to present establishments in performance categories relative to a standard or guideline removes inherent ''bias'' that could have been introduced by simply presenting gross percentages of positive samples. Sampling a higher percentage of establishments captures better the relative performance of different product classes, and categorizing establishments according to a performance standard or guideline better defines the differences between establishments.

Posting of Completed Sets by Establishment

One comment stated that posting such results will be confusing to the public.

FSIS Response: The Agency believes that the 3-category system is easily understandable, that it appropriately and effectively describes significant differences between categories of establishments, and that posting results will provide a valuable incentive to improve process control. Should we find that the public is confused by the information, we will revise our approach to ensure that the information is meaningful and easily understood.

Testing Frequency

One comment stated that the current annual frequency of testing will not provide adequate evidence of sustained process control, particularly for Category 1 establishments, which may only be tested once every two years. The

same comment raised questions as to how the Agency adjusts sampling for establishment size and volume. Two other comments urged the Agency not to reduce testing frequency for Category 1 establishments.

FSIS Response: The Agency has carefully considered all pertinent factors to maximize testing and data productivity. FSIS intends to stagger testing of Category 1 establishments so that a full 24 months will not pass before an establishment is tested again. Further, the Agency intends to conduct random, unannounced sampling of Category 1 establishments during the period between full verification sample sets. For these reasons, FSIS believes that its frequency of testing will ensure that the status of a Category 1 establishment is appropriately tracked. It is also important to note that FSIS does not regard the Salmonella results alone as an indication of ''adequate evidence of sustained process control''. Verification of process control will rely on an establishment's ability to meet Salmonella performance standards, the establishment's own generic *E. coli* test results, FSIS inspectional observations, reports of illness associated with product produced at an establishment, and other factors.

Performance Standards

One comment noted that the performance standards should be reevaluated through regularly updated baseline studies. Another comment stressed that continual improvement sought by statistical process control approaches requires the tightening of standards. On the other hand, one comment argued that the Agency's focus on reducing performance to a fraction of the standard or guideline ignores the validity of the baseline-derived standard/guideline as an index of realistic process capability.

FSIS Response: The Agency is committed to updating baseline studies when needed. The Agency does not agree that establishing performance objectives at one-half of the performance standard/guideline ignores a baseline standard and that the Agency's objectives for process control are realistic and necessary. FSIS believes that further knowledge of attribution factors will show that continual improvement in reducing occurrence of human pathogens in meat and poultry will reduce the incidence of human salmonellosis.

Salmonella Subtyping Methodology

One commenter recommended phage-typing over pulsed field gel electrophoresis (PFGE) for subtyping, and another commenter said more discussion was needed before the Agency should choose to use PFGE data. Another comment, on the other hand, recommended PFGE for subtyping.

FSIS Response: Phage-typing is primarily used in reference laboratories and is impractical for regulatory purposes. The Agency believes that PFGE has proven to be a valid and appropriate methodology for obtaining subtype information from verification sampling and baseline studies.

Enumeration of Salmonella and Attribution Questions

One comment urged the Agency to conduct enumeration analysis of its verification samples in order to investigate the causal factors in human salmonellosis related to dose level.

FSIS Response: Enumeration is very expensive and of doubtful value for practical regulatory purposes that are qualitative in nature. FSIS, however, is committed to exploring questions of attribution for human disease and recognizes that enumeration of *Salmonella* would have a positive role to play in such an investigation. For this reason, the Agency is requiring participants in the *Salmonella* Initiative Program to enumerate a portion of their *Salmonella* and *Campylobacter* isolates.

Incentives and Further Actions

One comment stated that the Agency should begin posting all completed sample sets immediately rather than first allowing a one-year period for collecting data to determine whether publication of establishment results was necessary. Two comments urged the Agency not to consider any modifications in inspection practices without strong evidence of superior establishment performance.

FSIS Response: The Agency believes that the lead-time announced in the February 2006 Notice of one year (from July 2006 to July 2007) for tracking results was appropriate. The key point is that the Notice informed the industry that process control improvements were crucial and needed to be accomplished in a timely manner. The Agency agrees that modifications in inspection should only occur if there is strong evidence of superior establishment performance, and it is exploring such possibilities in the *Salmonella* Initiative Program for Category 1 establishments described above.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2007_Notices_Index/*. FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/*. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and they have the option to password protect their accounts.

Done in Washington, DC on: January 22, 2008.

Alfred V. Almanza,

Administrator.

[FR Doc. E8–1432 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Resurrection Creek Restoration Phase II Project Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Chugach National Forest, Seward Ranger District will prepare an environmental impact statement for the implementation of a stream and riparian restoration project along a two-mile segment of Resurrection Creek within active mining claims. The environmental impact statement will evaluate the environmental consequences of the proposed restoration project and will also address a supplemental mining plan of

operations proposing mining adjacent to the restoration corridor.

DATES: To be most useful, comments concerning the scope of this project should be received by the end of February 2008. A draft environmental impact statement is expected to be ready for review in the summer of 2008 and a final environmental impact statement is planned for the fall of 2008. Public meetings are also planned to be held: February 12, 2008 in Hope, AK (6 p.m. to 8 p.m. at Hope Social Hall), February 13, 2008 in Anchorage, AK (7 p.m. to 9 p.m. at Loussac Public Library).

ADDRESSES: Please send written comments to: Chugach National Forest, *Attn.*: Bill MacFarlane, Resurrection Creek Stream and Riparian Restoration Phase II EIS, 3301 'C' Street, Anchorage, AK 99503–3998. Comments may also be sent via fax to: 907–743–9480 or via *e-mail* to: *wamacfarlane@fs.fed.us.* Please specify Scoping Comments for Resurrection Creek in the subject line.

FOR FURTHER INFORMATION CONTACT: Bill MacFarlane, Project Coordinator, Chugach National Forest, Attn.: Bill MacFarlane, Resurrection Creek Stream and Riparian Restoration Phase II EIS, 3301 'C' Street, Anchorage, AK 99503–3998, telephone (907) 743–9434, *e-mail: wamacfarlane@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

The Resurrection Creek watershed drains 161 square miles on the north side of the Kenai Peninsula, and the community of Hope, Alaska is located at the mouth of Resurrection Creek. Resurrection Creek was the site of Alaska's first gold rush over a century ago, and placer mining continues today. Resurrection Creek is also home to all five species of Pacific salmon and numerous wildlife species. The Resurrection Pass Trail parallels much of Resurrection Creek and provides access to the watershed.

This proposed ''Phase II'' project would extend upon the ''Phase I'' restoration work completed by the Forest Service during 2005 and 2006 on a one-mile reach of Resurrection Creek, located about a mile upstream from the Resurrection Pass Trailhead. These reaches were impacted by historic mining, and both of these projects were recommended in the Resurrection Creek Landscape Assessment, completed in 2001.

The Seward Ranger District proposes to restore Resurrection Creek's channel, floodplain, and streamside vegetation to pre-mining conditions and enhance fish and riparian wildlife habitat. Restoration work would take place on and adjacent to Resurrection Creek along the two-mile project reach. Elements of the proposed project implementation include the following:

- Providing access for heavy equipment, which may include a temporary bridge over Resurrection Creek.
- Mechanical manipulation and grading of up to 200,000 cubic yards of mine tailings to restore the natural floodplain widths and elevations.
- Construction of a meandering river channel and adjacent side channels that mimic natural conditions, include abundant habitat, and promote a self-sustaining riparian ecosystem.
- Selective removal of beetle killed spruce and cottonwood trees, taken primarily from the valley floor and western terrace along the project area, for use in stream bank protection, habitat improvement, and floodplain stabilization.
- Replacement of nutrient-rich soils over the restored floodplains, transplanted primarily from the western terrace of the project area, to improve growing conditions for native plant communities in the floodplains and riparian areas.
- Re-vegetation of native plant species on constructed floodplains and riparian areas, including natural re-vegetation, seeding, and planting.

The project area lies within mining claims of the Hope Mining Company. Because the proposed stream restoration would occur within active mining claims, the Forest Service has worked with the mine claimants to establish a restoration corridor, where mining operations would be excluded in order to protect the restored ecosystem.

To accomplish the proposed restoration within the restoration corridor through these active claims, this project will address Hope Mining Company's proposed supplemental mining plan of operations which:

- Provides the necessary protection for the proposed Resurrection Creek restoration efforts from existing approved mining operations and future mining operations within the restoration corridor; and
- Includes proposed mining operations for seven areas adjacent to the proposed corridor. These seven areas will be analyzed concurrently with the proposed stream restoration elements.

Permits and Licenses

The proposed restoration is not expected to require any permits or licenses; however, depending on final project design and land ownership, the Forest Service may obtain a water use permit (AS 41.114, Section 870) and/or a temporary land use permit (11 AAC 96.010a).

Public Involvement

During February of 2008 the Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies, tribal organizations, individuals, and organizations that may be interested in, or affected by the proposed activities. Comments received as a result of both the earlier public involvement and the current scoping will be included in this analysis. All comments will be analyzed to identify issues to be considered in the Draft EIS. Issues currently identified for analysis in the EIS include potential effects of the allocation to economic opportunities, conflicts between commercial operations, displacement of resident users, impacts to wildlife habitat, and the effect on subsistence uses.

It is also expected that two public meetings will be held in Hope and Anchorage February 12th and 13th, 2008 respectively, to provide project area information and discuss local concerns and interests that should be addressed in this environmental analysis. Based on the results of scoping, alternatives will be developed, analyzed, and compared in a Draft EIS. The Draft EIS will be filed with the Environmental Protection Agency (EPA) in the summer of 2008. Comments on the DEIS will be considered and responded to in the Final EIS, to be completed by fall 2008.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.** 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 or draft environmental impact statement 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 comment period so that comments can be made available to the Forest Service at a time when they can be meaningfully considered responded to in the final environmental impact statement. 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 also 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.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection and may be released under FOIA. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision (36 CFR Parts 215).

Responsible Official: Jeni Evans, Seward District Ranger, Chugach National Forest, is the responsible official.

Dated: January 17, 2008.

Jeni Bradley Evans,

District Ranger.

[FR Doc. 08–347 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Superior National Forest, LaCroix Ranger District, MN; Border Project Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an environmental impact statement (EIS) for the Border Project. The proposed activities would manage forest vegetation composition, structure, and spatial patterns. Proposed activities also address the transportation system associated with vegetation activities and long-term federal, non-federal, and public access needs.

The Project Area encompasses about 57,000 acres of National Forest System land. The Proposed Action would create young forest through timber harvest on about 8,617 acres; improve stand structure and within-stand diversity with harvests such as thinning on about 3,730 acres; and restore stand conditions without harvest on about 1,904 acres. Managing the minimum road system needed for long-term vegetation management would involve adding 1.6 miles of system road and decommissioning 9.2 miles of road. A range of alternatives, including a no-action alternative, will be developed to respond to significant issues. The proposed project is located on the LaCroix Ranger District, Cook, Minnesota, Superior National Forest.

DATES: Comments concerning the scope of the analysis must be received by March 10, 2008. The draft environmental impact statement is expected in summer 2008 and the final environmental impact statement is expected in winter 2008/2009.

ADDRESSES: Send written comments to Nancy S. Larson, LaCroix District Ranger, Border Project, 320 Hwy 53 North, Cook, MN 55723. Send electronic comments to *comments-eastern-superior-la-croix@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Carol Booth, Border Project Coordinator, 320 Hwy 53 North, Cook, MN 55723; telephone (218) 666–0020.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The primary purpose of the Border Project is to move the area towards the vegetation and landscape ecosystem desired conditions described in the Superior National Forest *Land and Resource Management Plan* (Forest Plan). Forest Plan direction for the transportation system is also part of the project's purpose.

Proposed Action

The proposed Action would manage forest vegetation composition, structure, and spatial patterns and the transportation system associated with these activities. Proposed activities include: creating young forest approximately 8,617 acres, improving stand structure and within-stand diversity on approximately 3,730 acres, and restoring stand conditions through a variety of non-harvest activities such as planting, biomass removal, and conducting prescribed burns to reduce risk of wildfire on approximately 1,904 acres. Managing the minimum road system needed for long-term vegetation management would involve adding 1.6 miles of system road and decommissioning 9.2 miles of road.

Responsible Official

Nancy S. Larson, LaCroix District Ranger, 320 Hwy 53 North, Cook, MN 55723.

Nature of Decision To Be Made

An environmental analysis for the Border Project will evaluate site-specific issues, consider management alternatives, and analyze the potential effects of the proposed action and alternatives. The scope of the project is limited to decisions concerning activities within the Border Project Area that meet the Purpose and Need, as well as desired conditions. An environmental impact statement will provide the Responsible Official, Nancy S. Larson, with the information needed to decide which actions, if any, to approve.

Scoping Process

Public participation will be an integral component of the analysis process, and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service is seeking information, comments, and assistance from federal agencies, State agencies, local agencies, individuals, and organizations that may be interested or affected by the proposed activities. The scoping process will include: (1) Identification of potential issues, (2) identification of issues to be analyzed in depth, and (3) elimination of insignificant issues, or those which have been covered by a previous environmental review. Based on the results of scoping and the resource capabilities within the project area, alternatives, including a no-action alternative, will be developed for the draft environmental impact statement.

Permits or Licenses Required

Easement or permission to cross non-federal property may be needed to access some treatment units to implement Forest Service activities.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. Written comments will be solicited through a scoping package that will be sent to the project mailing list. For the Forest Service to

best use the scoping input, comments must be received by March 10, 2008. Include name, address, and title of the project with your comments.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

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.

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 also 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.

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: January 18, 2008.

Nancy S. Larson,

LaCroix District Ranger.

[FR Doc. 08–335 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Notice of Request for Revision of a Currently Approved Information Collection

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

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the above-named Agencies to request an extension for the currently approved information collection in support of the servicing of Community and Direct Business Programs Loans and Grants.

DATES: Comments on this notice must be received by March 28, 2008 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Beth Jones, Senior Loan Specialist, Community Programs Direct Loans and Grants Processing and Servicing, RHS, USDA, 1400 Independence Ave., SW., STOP 0787, Washington, DC 20250–0787, Telephone (202) 720–1498, E-mail: *beth.jones@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1951–E, Servicing of Community and Direct Business Programs Loans and Grants.

OMB Number: 0575–0066.

Expiration Date of Approval: June 30, 2008.

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

Abstract: The Community Facilities program is authorized to make loans and grants to public entities, nonprofit corporations, and Indian tribes for the development of essential community facilities primarily serving rural residents. The Direct Business and Industry program, under Rural Business-Cooperative Service, is authorized to make loans to improve, develop, or finance business, industry, and employment, and improve the economic and environmental climate in rural communities.

The purpose of this collection is to establish security servicing policies, assist recipients in meeting the objectives of the loans and grants, repay loans on schedule, comply with agreements, and protect the Government's financial interest. Routine servicing responsibilities include collection of payments, compliance reviews, security inspections, review of financial reports, determining applicant/borrower eligibility and project feasibility for various servicing actions, monitoring delinquent accounts, and supervision activities.

Supervision by the Agencies include, but is not limited to: review of budgets, management reports, audits and financial statements; performing security inspections; providing, arranging, or recommending technical assistance; evaluating environmental impacts of proposed actions by the borrower; performing civil rights compliance reviews; and assisting in the development of workout agreements.

Information will be collected by the field offices from applicants, borrowers, consultants, lenders, and attorneys.

Failure to collect information could result in improper servicing of these loans.

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

Respondents: State, local or tribal Governments, Not-for-profit institutions, businesses, and individuals.

Estimated Number of Respondents: 587.

Estimated Number of Responses per Respondent: 2.

Estimated Number of Responses: 1,094.

Estimated Total Annual Burden on Respondents: 1,042.

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

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies, including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, 7th Floor, Room 701, 300 7th Street, SW., Washington, DC 20024. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: January 18, 2008.

Russell T. Davis,

Administrator, Rural Housing Service.

Ben Anderson,

Administrator, Rural Business-Cooperative Service.

[FR Doc. E8–1354 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels for the Assistance to High Energy Cost Rural Communities

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability (NOFA).

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, announces the availability of $6.8 million in Fiscal Year 2008 for competitive grants to assist communities with extremely high energy costs. This grant program is authorized under section 19 of the Rural Electrification Act of 1936 (RE Act) (7 U.S.C. 918a) and program regulations at 7 CFR part 1709. The grant funds may be used to acquire, construct, extend, upgrade, or otherwise improve energy generation, transmission, or distribution facilities serving communities in which the average residential expenditure for home energy exceeds 275 percent of the national average. Eligible applicants include persons, States, political subdivisions of States, and other entities organized under State law. Federally-recognized Indian tribes and tribal entities are eligible applicants. This notice describes the eligibility and application requirements, the criteria that will be used by the Agency to award funding, and information on how to obtain application materials. All grants awarded under this NOFA are contingent on the availability of appropriated funds. The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 10.859. You may obtain the application guide and materials for the Assistance to High Energy Cost Rural Communities Grant Program via the Internet at the following Web site: *http://www.usda.gov/rus/electric/*. You may also request the application guide and materials from USDA Rural Development by contacting the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

DATES: You may submit completed grant applications on paper or electronically according to the following deadlines:

- Paper applications must be postmarked and mailed, shipped, or sent overnight, *no later* than March 28, 2008 or hand delivered to the Agency by this deadline, to be eligible for under this NOFA. Late or incomplete applications will not be eligible for FY 2008 grant funding.
- Electronic applications must be submitted through *Grants.gov no later* than March 28, 2008 to be eligible under this NOFA for FY 2008 grant funding. Late or incomplete electronic applications will not be eligible.
- Applications will be accepted on publication of this notice.

ADDRESSES: You may submit completed applications for grants on paper or electronically to the following addresses:

- Paper applications are to be submitted to the United States Department of Agriculture, Rural Development Electric Program, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Applications should be marked ''Attention: High Energy Cost Community Grant Program.''
- Applications may be submitted electronically through *Grants.gov.* Information on how to submit applications electronically is available on the *Grants.gov* Web site (*http://www.Grants.gov*). Applicants must successfully pre-register with *Grants.gov* to use the electronic applications option. Application information may be downloaded from *Grants.gov* without pre-registration.

FOR FURTHER INFORMATION CONTACT: Karen Larsen, Management Analyst, United States Department of Agriculture, Rural Development Electric Program, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, e-mail *energy.grants@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION:

Overview Information

Federal Agency Name: United States Department of Agriculture, Rural Development Utilities Programs, Assistant Administrator, Electric Programs.

Funding Opportunity Title: Assistance to High Energy Cost Rural Communities.

Announcement Type: Initial announcement.

Funding Opportunity Number: USDA–RD–RUS–HECG07.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.859. The CFDA title for this program is ''Assistance to High Energy Cost Rural Communities.''

Dates: Applications must be postmarked and mailed or shipped, or hand delivered to the Agency, or filed with *Grants.gov* by March 28, 2008.

I. Funding Opportunity Description

Rural Development is making available $6.8 million in competitive grants under section 19 of the Rural Electrification Act of 1936 (the ''RE Act'') (7 U.S.C. 918a). Under section 19, the Agency Administrator is authorized to make grants to ''acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities'' serving extremely high energy cost communities. Eligible communities are those in which the average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy under one or more of the benchmarks published in this notice. Program regulations are codified at 7 CFR part 1709.

The purpose of this grant program is provide financial assistance for a broad range of energy facilities, equipment and related activities to offset the impacts of extremely high residential energy costs on eligible communities. Grant funds may be used to purchase, construct, extend, repair, upgrade and otherwise improve energy generation, transmission, or distribution facilities serving eligible communities. Eligible facilities include on-grid and off-grid renewable energy systems and implementation of cost-effective demand side management and energy conservation programs that benefit eligible communities. Grant funds may not be used to pay utility bills or to purchase fuel. Grant projects under this program must provide community benefits and not be for the sole benefit of an individual applicant, household, or business.

Eligible applicants include for-profit and non-profit businesses, cooperatives,

and associations, States, political subdivisions of States, and other entities organized under the laws of States, Indian tribes, tribal entities, and individuals. Eligible applicants also include entities located in U.S. Territories and other areas authorized by law to participate in the Agency's programs or programs under the RE Act.

No cost sharing or matching funds are required as a condition of eligibility under this grant program. However, the Agency will consider other financial resources available to the applicant and any voluntary commitment of matching funds or other contributions in assessing the applicant's capacity to carry out the grant program successfully. The Agency will award additional evaluation points to any proposals that include such contributions.

As a further condition of each grant, section 19(b)(2) of the RE Act requires that planning and administrative expenses of the grantee not directly related to the project may not exceed 4 percent of the grant funds.

This NOFA provides an overview of the grant program, and the eligibility and application requirements, and selection criteria for grant proposals. The Agency is also making available an Application Guide with more detailed information on application requirements and copies of all required forms and certifications. The Application Guide is available on the Internet from the Agency Web site at *http://www.usda.gov/rus/electric*. The application guide may also be requested from the Rural Development contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. For additional information, applicants should consult the program regulations at 7 CFR part 1709.

Definitions

Consult the program regulations at 7 CFR part 1709 and the Application Guide for additional definitions used in this program. As used in this NOFA:

Application Guide means the Application Guide prepared by the Agency for the High Energy Cost Grant program containing detailed instructions for determining eligibility and preparing grant applications, and copies of required forms, questionnaires, and model certifications.

Extremely high energy costs means community average residential energy costs that meet or exceed one or more home energy cost benchmarks established by the Agency at 275 percent of the national average residential energy expenditures as reported by the Energy Information Administration (EIA) of the United States Department of Energy.

Home energy means any energy source or fuel used by a household for purposes other than transportation, including electricity, natural gas, fuel oil, kerosene, liquefied petroleum gas (propane), other petroleum products, wood and other biomass fuels, coal, wind, and solar energy. Fuels used for subsistence activities in remote rural areas are also included.

High energy cost benchmarks means the criteria established by the Agency for eligibility as an extremely high energy cost community. Home energy cost benchmarks are calculated for total annual household energy expenditures; total annual expenditures for individual fuels; annual average per unit energy costs for primary home energy sources and are set at 275 percent of the relevant national average household energy expenditures.

Indian Tribe means a Federally recognized tribe as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) to include ''* * * any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 *et seq.*], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''

Person means any natural person, firm, corporation, association, or other legal entity, and includes Indian Tribes and tribal entities.

Primary home energy source means the energy source that is used for space heating or cooling, water heating, cooking, and lighting. A household or community may have more than one primary home energy source.

State rural development initiative means a rural economic development program funded by or carried out in cooperation with a State agency.

Target area means the geographic area to be served by the grant.

Target community means the unit or units of local government in which the target area is located.

Tribal entity means a legal entity that is owned, controlled, sanctioned, or chartered by the recognized governing body of an Indian Tribe.

II. Award Information

The total amount of funds available for grants in Fiscal Year 2008 under this notice is $ __ million. The maximum amount of grant assistance that will be considered for funding in a grant application under this notice is $5,000,000. The minimum amount of assistance for a grant application under this program is $75,000. The number of grants awarded under this NOFA will depend on the number of applications submitted, the amount of grant funds requested, the quality and competitiveness of applications submitted, and the availability of appropriated funds.

The funding instrument available under this NOFA will be a grant agreement. Grants awarded under this notice must comply with all applicable USDA and Federal regulations concerning financial assistance, with the terms of this notice, and with the requirements of section 19 of the RE Act. Grants made under this NOFA will be administered under the Agency program regulations at 7 CFR part 1709 and USDA financial assistance regulations at 7 CFR parts 3015, 3016, 3017, 3018, 3019, and 3052, as applicable. The award period will generally be for 36 months, however, longer periods may be approved depending on the project involved.

Project proposals submitted in response to the NOFA published on August 17, 2007 (72 FR 46195) and that were accepted as complete and timely by the Agency, but that were not selected for funding may request reconsideration of their proposals under this NOFA. Prior applicants may submit additional information for consideration as described later in this notice.

All timely submitted and complete applications will be reviewed for eligibility and rated according to the criteria described in this NOFA. Applications will be ranked in order of their numerical scores on the rating criteria and forwarded to the Agency Administrator. The Administrator will review the rankings and the recommendations of the rating panel. The Administrator will then fund grant applications in rank order.

The Agency reserves the right not to award any or all the funds made available under this notice, if in the sole opinion of the Administrator, the grant proposals submitted are not deemed feasible. The Agency also reserves the right to partially fund grants if grant applications exceed the available funds. The Agency will advise applicants if it cannot fully fund a grant request.

III. Eligibility Information

1. Eligible Applicants

Under Section 19 eligible applicants include ''Persons, States, political subdivisions of States, and other entities

organized under the laws of States'' (7 U.S.C. 918a). Under section 13 of the RE Act, the term ''Person'' means ''any natural person, firm, corporation, or association'' (7 U.S.C. 913). Examples of eligible business applicants include: For-profit and non-profit business entities, including but not limited to corporations, associations, partnerships, limited liability partnerships (LLPs), cooperatives, trusts, and sole proprietorships. Eligible government applicants include State and local governments, counties, cities, towns, boroughs, or other agencies or units of State or local governments; and other agencies and instrumentalities of States and local governments. Indian tribes, other tribal entities and Alaska Native Corporations are also eligible applicants.

An individual is an eligible applicant under this program; however, the proposed grant project must provide community benefits and not be for the sole benefit of an individual applicant or an individual household or business.

All applicants must demonstrate the legal capacity to enter into a binding grant agreement with the Federal Government at the time of the award and to carry out the proposed grant funded project according to its terms.

Effective October 1, 2003, the Office of Management and Budget requires that all applicants for Federal grants with the exception of individuals other than sole proprietorships must have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number. Consistent with this Federal policy directive, any organization or sole proprietorship that applies for a high energy cost grant must use its DUNS number on the application and in the field provided on the revised Standard Form 424 (SF 424), ''Application for Federal Assistance'' to be eligible to apply.

DUNS numbers are available without charge to Federal Grant applicants. Information on this Federal requirement and how to obtain a DUNS number or how to verify if your organization already has a DUNS number is available at *http://www.whitehouse.gov/omb/grants/duns_num_guide.pdf* and on the ''Get Registered'' page at *Grants.gov*. D&B has also established a special Web-based registration for Federal Grant Applicants and Contractors that can be accessed directly by following the ''Customer Resources'' links for obtaining a DUNS number at *http://www.dnb.com/us/*. You may also verify whether you have an organizational DUNS number or request a DUNS number over the telephone toll free through the D&B Government Customer Response Center at 1–866–705–5711, Monday–Friday 7 a.m. to 8 p.m. C.S.T. If you already have obtained a DUNS number in connection with the Federal acquisition process or requested or had one assigned to you for another purpose, you should use that number on all of your applications. It is not necessary to request another DUNS number from D&B.

2. Cost Sharing and Matching

No cost sharing or matching funds are required as a condition of eligibility under this grant program. However, the Agency will consider other financial resources available to the grant applicant and any voluntary pledge of matching funds or other contributions in assessing the applicant's commitment capacity to carry out the grant program successfully and will award additional evaluation points to proposals that include such contributions. If a successful applicant proposes to use matching funds or other cost contributions in its project to obtain additional evaluation points, the grant agreement will include conditions requiring documentation of the availability of the matching funds and actual expenditure of matching funds or cost contributions.

3. Other Eligibility Requirements

A. Eligible Projects

Grantees must use grant funds for eligible grant purposes. Grant funds may be used to acquire, construct, extend, upgrade, or otherwise improve energy generation, transmission, or distribution facilities serving eligible communities. All energy generation, transmission, and distribution facilities and equipment, used to provide electricity, natural gas, home heating fuels, and other energy service to eligible communities are eligible. Projects providing or improving energy services to eligible communities through on-grid and off-grid renewable energy projects, energy efficiency, and energy conservation projects are eligible. A grant project is eligible if it improves, or maintains energy services, or reduces the costs of providing energy services to eligible communities. Grant funds may not be used to pay utility bills or to purchase fuels.

Grants may cover up to the full costs of any eligible projects subject to the statutory condition that no more than 4 percent of grant funds may be used for the planning and administrative expenses of the grantee. The program regulations at 7 CFR part 1709 provide more detail on allowable uses of grant funds, limitations on grant funds, and ineligible grant purposes.

The project must serve communities that meet the extremely high energy cost eligibility requirements described in this NOFA. The applicant must demonstrate that the proposed project will benefit the eligible communities. Projects that primarily benefit a single household or business are not eligible. Additional information and examples of eligible project activities are contained in the Application Guide.

Grant funds cannot be used for: preparation of the grant application, fuel purchases, routine maintenance or other operating costs, and purchase of equipment, structures, or real estate not directly associated with provision of residential energy services. In general, grant funds may not be used to support projects that primarily benefit areas outside of eligible target communities. However, grant funds may be used to finance an eligible target community's proportionate share of a larger energy project.

Each grant applicant must demonstrate the economic and technical feasibility of its proposed project. Activities or equipment that would commonly be considered as research and development activities, or commercial demonstration projects for new energy technologies will not be considered as technologically feasible projects and would, thus, be ineligible grant purposes. However, grant funds may be used for projects that involve the innovative use or adaptation of energy-related technologies that have been commercially proven.

B. Eligible Communities

The grant project must benefit communities with extremely high energy costs. The RE Act defines an extremely high energy cost community as one in which ''the average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy'' 7 U.S.C. 918a. The benchmarks are set based on the latest available information from the Energy Information Administration (EIA) residential energy surveys.

The statutory requirement that community residential expenditures for home energy exceed 275 percent of national average establishes a very high threshold for eligibility under this program. The Agency has calculated high energy cost benchmarks based on the most recent EIA national average home energy expenditure data. The current benchmarks are shown in Table 1. Communities must meet one or more high energy cost benchmarks to qualify as an eligible beneficiary of a grant under this program. All applicants,

including those requesting reconsideration of prior applications must meet these current eligibility benchmarks. Based on available published information on residential energy costs, the Agency anticipates that only those communities with the highest energy costs across the country will qualify under this congressionally-mandated standard.

The EIA's Residential Energy Consumption and Expenditure Surveys (RECS) and reports provide the baseline national average household energy costs that were used by the Agency for establishing extremely high energy cost community eligibility criteria for this grant program. The RECS data base and reports provide national and regional information on residential energy use, expenditures, and housing characteristics. EIA published its latest available RECS home energy expenditure survey results in 2004. These estimates of home energy usage and expenditures are based on national surveys conducted in *2001* survey data and are shown in Table 1 as follows:

TABLE 1.—NATIONAL AVERAGE ANNUAL HOUSEHOLD ENERGY EXPENDITURES AND EXTREMELY HIGH ENERGY COST ELIGIBILITY BENCHMARKS

[Effective March 23, 2005]

	National annual average household expenditure $ per year	Extremely high energy cost benchmark 275% of national average $ per year
AVERAGE ANNUAL HOUSEHOLD EXPENDITURE		
Fuel:		
Electricity	938	2,509
Natural Gas	702	1,859
Fuel Oil	737	1,882
LPG/Propane	605	1,514
Total Household Energy Use	1,493	4,013
ANNUAL AVERAGE PER UNIT RESIDENTIAL ENERGY COSTS		
	National average unit cost $ per unit	Extremely high-energy cost benchmark 275% of national average $ per unit
Fuel (units):		
Electricity (kilowatt hours)	0.088	0.239
Natural Gas (thousand cubic feet)	9.98	26.85
Fuel Oil (gallons)	1.24	3.35
LPG/Propane (gallons)	1.36	3.61
Total Household Energy (million Btus)	16.19	43.91

Sources: United States Department of Energy, Energy Information Administration, *Residential Energy Consumption and Expenditure Surveys 2001,* available online at *http://www.eia.doe.gov/emeu/recs/contents.html.* The eligibility benchmarks are set at 275 percent of the national average and include adjustments to reflect the uncertainties inherent in EIA's statistical methodology for estimating home energy costs. The benchmarks are set based on the EIA's lower range estimates using the specified EIA methods.

Extremely high energy costs in rural and remote communities typically result from a combination of factors including high energy consumption, high per unit energy costs, limited availability of energy sources, extreme climate conditions, and housing characteristics. The relative impacts of these conditions exhibit regional and seasonal diversity. Market factors have created an additional complication in recent years as the prices of the major commercial residential energy sources—electricity, fuel oil, natural gas, and LPG/propane—have fluctuated dramatically in some areas.

The applicant must demonstrate that each community in the grant project's proposed target area exceeds one or more of these high energy cost benchmarks to be eligible for assistance under this program.

i. High Energy Cost Benchmarks

The benchmarks measure extremely high energy costs for residential consumers. These benchmarks were calculated using EIA's estimates of national average residential energy expenditures per household and by primary home energy source. The benchmarks recognize the diverse factors that contribute to extremely high home energy costs in rural communities. The benchmarks allow extremely high energy cost communities several alternatives for demonstrating eligibility. Communities may qualify based on: total annual household energy expenditures; total annual expenditures for commercially-supplied primary home energy sources, i.e., electricity, natural gas, oil, or propane; or average annual per unit home energy costs. By providing alternative measures for demonstrating eligibility, the benchmarks reduce the burden on potential applicants created by the limited public availability of comprehensive data on local community energy consumption and expenditures.

A target community or target area will qualify as an extremely high cost energy community if it meets one or more of the energy cost eligibility benchmarks described below.

1. *Extremely High Average Annual Household Expenditure for Home*

Energy. The target area or community exceeds one or more of the following:

- Average annual residential electricity expenditure of $2,509 per household;
- Average annual residential natural gas expenditure of $1,859 per household;
- Average annual residential expenditure on fuel oil of $1,882 per household;
- Average annual residential expenditure on propane or liquefied petroleum gas (LPG) as a primary home energy source of $1,514 per household; or
- Average annual residential energy expenditure (for all non-transportation uses) of $4,013 per household.

2. *Extremely High Average Per Unit Energy Costs.* The average residential per unit cost for major commercial energy sources in the target area or community exceeds one or more of the following:

- Annual average revenues per kilowatt hour for residential electricity customers of $0.239 per kilowatt hour (kWh);
- Annual average residential natural gas price of $26.85 per thousand cubic feet;
- Annual average residential fuel oil price of $3.35 per gallon;
- Annual average residential price of propane or LPG as a primary home energy source of $3.61 per gallon; or
- Total annual average residential energy cost on a Btu basis of $43.91 per million Btu.[1]

ii. Supporting Energy Cost Data

The applicant must include information that demonstrates its eligibility under the Agency's high energy cost benchmarks for the target communities and the target areas. The applicant must supply documentation or references for its sources for actual or estimated home energy expenditures or equivalent measures to support eligibility. Generally, the applicant will be expected to use historical residential energy cost or expenditure information for the local energy provider serving the target community or target area to determine eligibility. Other potential sources of home energy related information include Federal and State agencies, local community energy providers such as electric and natural gas utilities and fuel dealers, and commercial publications. The Application Guide includes a list of EIA resources on residential energy consumption and costs that may be of assistance.

The grant applicant must establish eligibility for each community in the project's target area. To determine eligibility, the applicant must identify each community included in whole or in part within the target areas and provide supporting actual or estimated energy expenditure data for each community. The smallest area that may be designated as a target area is a 2000 Census block. This minimum size is necessary to enable a determination of population size.

Potential applicants can compare the benchmark criteria to available information about local energy use and costs to determine their eligibility. Applicants should demonstrate their eligibility using historical energy use and cost information. Where such information is unavailable or does not adequately reflect the actual costs of supporting average home energy use in a local community, the Agency will consider estimated commercial energy costs. The Application Guide includes examples of circumstances where estimated energy costs are used.

EIA does not collect or maintain data on home energy expenditures in sufficient detail to identify specific rural localities as extremely high energy cost communities. Therefore, grant applicants will have to provide information on local community energy costs from other sources to support their applications.

In many instances, historical community energy cost information can be obtained from a variety of public sources or from local utilities and other energy providers. For example, EIA publishes monthly and annual reports of residential prices by State and by service area for electric utilities and larger natural gas distribution companies. Average residential fuel oil and propane prices are reported regionally and for major cities by government and private publications. Many State agencies also compile and publish information on residential energy costs to support State programs.

iii. Use of Estimated Home Energy Costs

Where historical community energy cost data are incomplete or lacking or where community-wide data do not accurately reflect the costs of providing home energy services in the target area, the applicant may substitute estimates based on engineering standards. The estimates should use available community, local, or regional data on energy expenditures, consumption, housing characteristics and population. Estimates are also appropriate where the target area does not presently have centralized commercial energy services at a level that is comparable to other residential customers in the State or region. For example, local commercial energy cost information may not be available where the target area is without local electric service because of the high costs of connection. Engineering cost estimates reflecting the incremental costs of extending service could reasonably be used to establish eligibility for areas without grid-connected electric service. Estimates also may be appropriate where historical energy costs do not reflect the costs of providing a necessary upgrade or replacement of energy infrastructure to maintain or extend service that would raise costs above one or more of benchmarks.

Information to support high energy cost eligibility is subject to independent review by the Agency. Applications that contain information that is not reasonably based on credible sources of information and sound estimates will be rejected. Where appropriate, the Agency may consult standard sources to confirm the reasonableness of information and estimates provided by applicants in determining eligibility, technical feasibility, and adequacy of proposed budget estimates.

C. Coordination With State Rural Development Initiatives

USDA encourages the coordination of grant projects under this program with State rural development initiatives. There is no requirement that the grant proposal receive the concurrence or approval of State officials as a condition of eligibility under this program. The Agency will, however, award additional points to proposals that are coordinated with and support rural development initiatives within a State. The applicant should describe how the proposed project will support State rural development initiatives and provide documentation evidencing any project relationship to State initiatives.

If an applicant is an entity directly involved in rural development efforts, such as a State, local, or tribal rural development agency, the applicant may qualify for additional points by describing how its proposed project supports its efforts.

[1] Note: Btu is the abbreviation for British Thermal Unit, a standard energy measure. A Btu is the quantity of heat needed to raise the temperature of one pound of water 1 degree Fahreneit at or near 39.2 degrees Fahrenheit. In estimating average household per unit energy cost on a Btu basis, the costs of different home energy sources are converted to a standard Btu basis. The Application Guide contains additional information on calculating per unit costs on a Btu basis for major home energy sources.

D. Limitations on Grant Awards

1. Statutory limitation on planning and administrative expenses.

Section 19 of the RE Act provides that no more than 4 percent of the grant funds for any project may be used for the planning and administrative expenses of the grantee that are not directly related to the grant project.

2. Ineligible Grant Purposes.

Grant funds cannot be used for: preparation of the grant application, fuel purchases, routine maintenance or other operating costs, and purchase of equipment, structures, or real estate not directly associated with provision of residential energy services. In general, grant funds may not be used to support projects that primarily benefit areas outside of eligible target communities.

However, grant funds may be used to finance an eligible target community's proportionate share of a larger energy project.

Consistent with USDA policy and program regulations, grant funds awarded under this program generally cannot be used to replace other USDA assistance or to refinance or repay outstanding loans under the RE Act. Grant funds may, however, be used in combination with other USDA assistance programs including electric loans. Grants may be applied toward grantee contributions under other USDA programs depending on the terms of those programs. For example, an applicant may propose to use grant funds to offset the costs of electric system improvements in extremely high cost areas by increasing the utility's contribution for line extensions or system expansions to its distribution system financed in whole or part by an electric loan under the RE Act. An applicant may propose to finance a portion of an energy project for an extremely high energy cost community through this grant program and secure the remaining project costs through a loan or loan guarantee or grant from the Agency or other sources.

3. Maximum and minimum awards.

The maximum amount of grant assistance that will be considered for funding per grant application under this notice is $5,000,000. The minimum amount of assistance for a competitive grant application under this program is $75,000.

IV. Application and Submission Information

All applications must be prepared and submitted in compliance with this NOFA and the Application Guide. The Application Guide contains additional information on the grant program, sources of information for use in preparing applications, examples of eligible projects, and copies of the required application forms.

1. Address to Request an Application Package

Applications materials and the Application Guide are available for download through *http://www.Grants.gov* (under CFDA No. 10.859) and on the Electric Programs Web site at *http://www.usda.gov/rus/electric.*

Application packages, including required forms, may be also be requested from: Karen Larsen, Management Analyst, United States Department of Agriculture, Rural Development Utilities Programs, Electric Program, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, e-mail *energy.grants@wdc.usda.gov.*

2. Content and Form of Application Submission

There are different application requirements for first time applicants and for prior applicants requesting reconsideration. First time applicants are those that did not submit a timely application in response to the August 17, 2007 (72 FR 46195) NOFA. Prior applicants are those that: (1) Submitted timely and complete applications under the August 17, 2007 NOFA; (2) were not selected for a grant award; and (3) would like to request consideration of their proposal under this notice. First time applicants should follow the directions in this notice and the Application Guide in preparing their applications and narrative proposals. The completed application package should be assembled in the order specified with all pages numbered sequentially or by section. If you submitted an application in 2003, 2004, or 2005 but did not submit a request for reconsideration in 2007, you must submit a complete new application package meeting current eligibility and content requirements. Prior applicants should follow the special instructions for reconsideration and submit a revised Standard Form 424 (SF–424), a letter requesting reconsideration, and any supplemental material by the deadline.

A. Application Contents for First Time Applicants

First time applicants must submit the following information for the application to be complete and considered for funding:

Part A. A Completed SF 424, ''Application for Federal Assistance.'' This form must be signed by a person authorized to submit the proposal on behalf of the applicant.

Note: SF 424 has recently been revised to include new required data elements, including a DUNS number. You must submit the revised form. Copies of this form are available in the application package available on line through the Agency website or through Grants.gov, or by request from the Agency contact listed above.

Part B. Grant Proposal. The grant proposal is a narrative description prepared by the applicant that establishes the applicant's eligibility, identifies the eligible extremely high energy cost communities to be served by the grant, and describes the proposed grant project, the potential benefits of the project, and a proposed budget. The grant proposal should contain the following sections in the order indicated.

1. Executive Summary. The Executive Summary is a one to two page narrative summary that: (a) Identifies the applicant, project title, and the key contact person with telephone and fax numbers, mailing address and email address; (b) specifies the amount of grant funds requested; (c) provides a brief description of the proposed project including the eligible rural communities and residents to be served, activities and facilities to be financed, and how the grant project will offset or reduce the target community's extremely high energy costs; and (d) identifies the associated state rural development initiative, if any, that the project supports. The Executive Summary should also indicate whether the applicant is claiming additional points under any of the criteria designated as USDA priorities under this NOFA.

2. Table of Contents. The application package must include a table of contents immediately after the Executive Summary with page numbers for all required sections, forms, and appendices.

3. Applicant Eligibility. This section includes a narrative statement that identifies the applicant and supporting evidence establishing that the applicant has or will have the legal authority to enter into a financial assistance relationship with the Federal Government. Examples of supporting evidence of applicant's legal existence and eligibility include: a reference to or copy of the relevant statute, regulation, executive order, or legal opinion authorizing a State, local, or tribal government program, articles of incorporation or certificates of incorporation for corporate applicants,

partnership or trust agreements, board resolutions. Applicants must also be free of any debarment or other restriction on their ability to contract with the Federal Government.

4. Community Eligibility. This section provides a narrative description of the community or communities to be served by the grant and supporting information to establish eligibility. The narrative must show that the proposed grant project's target area or areas are located in one or more communities where the average residential energy costs exceed one or more of the benchmark criteria for extremely high energy costs as described in this NOFA. The narrative should clearly identify the location and population of the areas to be aided by the grant project and their energy costs and the population of the local government division in which they are located. Local energy providers and sources of high energy cost data and estimates should be clearly identified. Neither the applicant nor the project must be physically located in the extremely high energy cost community, but the funded project must serve an eligible community.

The population estimates should be based on the results of the 2000 Census available from the U.S. Census Bureau. Additional information and exhibits supporting eligibility may include maps, summary tables, and references to statistical information from the U.S. Census, the Energy Information Administration, other Federal and State agencies, or private sources. The Application Guide includes additional information and sources that the applicant may find useful in establishing community eligibility.

5. Coordination with State Rural Development Initiatives. In this section the applicant must describe how the proposed grant is coordinated with and supports any rural development efforts. The applicant should provide supporting references or documentation of any relationship or contribution to State rural development initiatives.

6. Project Overview. This section includes the applicant's narrative overview of its proposed project. The narrative must address the following:

a. Project Design: This section must provide a narrative description of the project including a proposed scope of work identifying major tasks and proposed schedules for task completion, a detailed description of the equipment, facilities and associated activities to be financed with grant funds, the location of the eligible extremely high energy cost communities to be served, and an estimate of the overall duration of the project. The Project Design description should be sufficiently detailed to support a finding of technical feasibility. Proposed projects involving construction, repair, replacement, or improvement of electric generation, transmission, and distribution facilities must generally be consistent with the standards and requirements for projects financed with loans and loan guarantees under the RE Act as set forth in the Agency's Electric Programs Regulations and Bulletins and may reference these requirements.

b. Project Management: This section must provide a narrative describing the applicant's capabilities and project management plans. The description should address the applicant's organizational structure, method of funding, legal authority, key personnel, project management experience, financial management systems, staff resources, the goals and objectives of the program or business, and any related services provided to the project beneficiaries. A current financial statement and other supporting documentation may be referenced here and included under the Supplementary Material section. If the applicant proposes to use affiliated entities, contractors, or subcontractors to provide services funded under the grant, the applicant must describe the identities, relationship, qualifications, and experience of these affiliated entities. The experience and capabilities of these entities will be reviewed by the rating panel. If the applicant proposes to secure equipment, design, construction, or other services from non-affiliated entities, the applicant must briefly describe how it plans to procure and/or contract for such equipment or services. The applicant should provide information that will support a finding that the combination of management team's experience, financial management capabilities, resources and project structure will enable successful completion of the project. Applicants are encouraged to review the financial management requirements for Federal grantees in 7 CFR part 1709 and USDA financial assistance regulations at 7 CFR parts 3015, 3016, 3017, 3018, 3019, and 3052, as applicable, and to address their ability to comply with these requirements in their applications.

c. Regulatory and other approvals: The applicant must identify any other regulatory or other approvals required by other Federal, State, local, or tribal agencies, or by private entities as a condition of financing that are necessary to carry out the proposed grant project and its estimated schedule for obtaining the necessary approvals.

d. Benefits of the proposed project. The applicant should describe how the proposed project would benefit the target area and eligible communities. The description must specifically address how the project will improve energy generation, transmission, or distribution facilities serving the target area. The applicant should clearly identify how the project addresses the energy needs of the community and include appropriate measures of project success such as, for example, expected reductions in household or community energy costs, avoided cost increases, enhanced reliability, or economic or social benefits from improvements in energy services available to the target community. The applicant should include quantitative estimates of cost or energy savings and other benefits. The applicant should provide documentation or references to support its statements about cost-effectiveness savings and improved services. The applicant should also describe how it plans to measure and monitor the effectiveness of the program in delivering its projected benefits.

7. Proposed Project Budget. The applicant must submit a proposed budget for the grant program on SF 424A, ''Budget Information—Non-Construction Programs'' or SF–424C, ''Standard Form for Budget Information—Construction Programs,'' as applicable. All applicants that submit applications through *Grants.gov* must use SF–424A. The applicant should supplement the budget summary form with more detailed information describing the basis for cost estimates. The detailed budget estimate should itemize and explain major proposed project cost components such as, but not limited to, the expected costs of design and engineering and other professional services, personnel costs (salaries/wages and fringe benefits), equipment, materials, property acquisition, travel (if any), and other direct costs, and indirect costs, if any. The budget must document that planned administrative and other expenses of the project sponsor that are not directly related to performance of the grant will not total more than 4 percent of grant funds. The applicant must also identify the source and amount of any other Federal or non-Federal contributions of funds or services that will be used to support the proposed project. This program does not require supplemental or matching funds for eligibility; however, the Agency will award additional rating points for programs that include a match of other funds or like-kind contributions to support the project.

8. Supplementary Material. The applicant may append any additional information relevant to the proposal or which may qualify the application for extra points under the evaluation criteria described in this NOFA.

Part C. Additional Required Forms and Certifications. In order to establish compliance with other Federal requirements for financial assistance, the applicant must execute and submit with the initial application the following forms and certifications:

- SF 424B, ''Assurances—Non-Construction Programs'' or SF 424D, ''Assurances—Construction Programs'' (as applicable). All applicants applying through *Grants.gov* must use form SF 424B.
- SF LLL, ''Disclosure of Lobbying Activities.''
- ''Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions'' as required under 7 CFR part 3017, Appendix A. Certifications for individuals, corporations, nonprofit entities, Indian tribes, partnerships.
- Environmental Profile. The Agency environmental profile template included in the Application Guide solicits information about project characteristics and site-specific conditions that may involve environmental, historic preservation, and other resources. The profile will be used by the Agency's environmental staff to identify selected projects that may require additional environmental reviews, assessments, or environmental impact statements before a final grant award may be approved. A copy of the environmental profile and instructions for completion are included in the Application Guide and may be downloaded from the Agency Web site or *Grants.gov.*

B. Special Requirements for Applicants Requesting Reconsideration of an Application Submitted in 2007

Applicants that wish to request reconsideration of their application packages submitted in response to the NOFA published on August 17, 2007 in this round of competitive funding must submit an updated original SF 424, including new mandatory data elements (DUNS number, fax number, and email address) along with a brief signed letter request for reconsideration identifying any additional information that they wish to be considered by the rating panel in reviewing their application along with supporting documentation. Applicants must confirm that their community continues to meet the eligibility benchmarks in Table 1 and may submit additional information to support their continued eligibility. The required application package will consist of the original signed SF 424, the request for reconsideration, and any additional supporting documents, plus the original application package submitted to the Agency in 2007. The Agency has maintained these prior applications on file and will add the newly submitted material to the existing application package for review by the rating panel. You do not need to send a copy of the 2007 application package. Because this abbreviated application package differs from the general application package for first time applicants available through *Grants.gov,* applicants requesting reconsideration should submit their requests directly to the Agency by the application deadline and not through *Grants.gov.* Applicants that submitted an application in 2007 also have the option of submitting an entirely new complete application package for their project in response to this NOFA.

3. Additional Information Requests

In addition to the information required to be submitted in the application package, the Agency may request that successful grant applicants provide additional information, analyses, forms and certifications as a condition of pre-award clearance, including any environmental reviews or other reviews or certifications required under USDA and Government-wide assistance regulations. The Agency will advise the applicant in writing of any additional information required.

4. Submitting the Application

Applicants that are submitting paper application packages must submit one original application package that includes original signatures on all required forms and certifications and two copies. Applications should be submitted on 8½ by 11 inch white paper. Supplemental materials, such as maps, charts, plans, and photographs may exceed this size requirement.

A completed paper application package must contain all required parts in the order indicated in the above section on ''Content and Form of Application Submission.'' The application package should be paginated either sequentially or by section. Applicants are requested to provide the application package in single-sided format for ease of copying.

Applicants that are submitting application packages electronically through the federal grants portal *Grants.gov* (*http://www.Grants.gov*) must follow the application requirements and procedures and use the forms provided there. The *Grants.gov* Web site contains full instructions on all required registration, passwords, credentialing and software required to submit applications electronically. *Grants.gov* has streamlined the registration and credentialing process and now requires separate application processes for individuals and organizations. Individual applicants, including individuals applying on behalf of an organization, should follow the special directions for individuals on the *Grants.gov* Web site. Organizational applicants and sole proprietorships should follow the instructions for organizations.

Organizational applicants are advised that completion of the requirements for registration with *Grants.gov,* with the Central Contractor Registry, and e-Authentication required under *Grants.gov* may take a week or more and may be delayed. Accordingly, the Agency strongly recommends that you complete your organization's registration with *Grants.gov* well in advance of the deadline for submitting applications.

USDA encourages both individual and organizational applicants who wish to apply through *Grants.gov* to submit their applications in advance of the deadlines. Early submittal will give you time to resolve any system problems or technical difficulties with an electronic application through the customer support resources available at the *Grants.gov* Web site while preserving the option of submitting a timely paper application if any difficulties cannot be resolved.

5. Disclosure of Information

All material submitted by the applicant may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. 552) and USDA's implementing regulations at 7 CFR part 1.

6. Submission Dates and Times

Applications must be postmarked or hand delivered to the Agency or posted to *Grants.gov* by March 28, 2008. The Agency will begin accepting applications on the date of publication of this NOFA. The Agency will accept for review all applications postmarked or delivered to us by this deadline. Late applications will not be considered and will be returned to the applicant.

For the purposes of determining the timeliness of an application the Agency will accept the following as valid postmarks: The date stamped by the United States Postal Service on the outside of the package containing the

application delivered by U.S. Mail; the date the package was received by a commercial delivery service as evidenced by the delivery label; the date received via hand delivery to the Agency headquarters; and the date an electronic application was posted for submission to *Grants.gov.*

7. Intergovernmental Review

This program is not subject to the requirements of Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' as implemented under USDA's regulations at 7 CFR part 3015.

8. Funding Restrictions

Section 19 of the RE Act provides that no more than 4 percent of the grant funds may be used for the planning and administrative expenses of the grantee not directly related to the grant project.

9. Other Submission Requirements

Applicants that are submitting paper applications must submit one original application package that includes original signatures on all required forms and certifications and two copies. Applications should be single-sided and submitted on 8½ by 11 inch white paper. Supplemental materials, such as maps, charts, plans, and photographs may exceed this size requirement.

A completed application for first time applicants must contain all required parts in the order indicated in the above section on ''Content and Form of Application Submission.'' The application package should be paginated either sequentially or by section. Applicants seeking reconsideration should follow the special instructions above.

The completed paper application package and two copies must be delivered to the Agency headquarters in Washington, DC using United States Mail, overnight delivery service, or by hand to the following address: United States Department of Agriculture, Rural Development Electric Programs, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Applications should be marked ''Attention: High Energy Cost Community Grant Program.''

Applicants are advised that regular mail deliveries to Federal Agencies, especially of oversized packages and envelopes, continue to be delayed because of increased security screening requirements. Applicants may wish to consider using Express Mail or a commercial overnight delivery service instead of regular mail. Applicants wishing to hand deliver or use courier services for delivery should contact the Agency representative in advance to arrange for building access. The Agency advises applicants that because of intensified security procedures at government facilities that any electronic media included in an application package may be damaged during security screening. If an applicant wishes to submit such materials, they should contact the Agency representative for additional information.

The Agency will accept electronic applications through the Federal Web portal at *http://www.Grants.gov*. Applicants wishing to submit electronic applications through *Grants.gov* must follow the application procedures and submission requirements detailed on that Web site at *http://www.Grants.gov*. Applicants that file through *Grants.gov* should receive electronic confirmation from *Grants.gov* that their applications have been received within 48 hours of submitting the application. *Grants.gov* will send a second electronic message that the application has either been successfully accepted by the system for transmission to the grantor agency OR has been rejected due to errors. After the grant application deadline has passed, USDA will send an electronic confirmation acknowledging that the application has been received by the Agency from *Grants.gov. Grants.gov* will not accept applications for filing after the deadline has passed. The Agency will not accept applications directly over the Internet, by e-mail, or fax.

Applicants should be aware that *Grants.gov* requires that applicants complete several preliminary registrations and e-authentication requirements before being allowed to submit applications electronically. Applicants should consult the *Grants.gov* Web site and allow ample time to complete the steps required for registration before submitting their applications. Applicants may download application materials and complete forms online through *Grants.gov* without completing the registration requirements. Application materials prepared online may be printed and submitted in paper to the Agency as detailed above.

10. Multiple Applications

Eligible applicants may submit only one application per project. Multiple tasks and localities may be included in a single proposed grant project. No more than $5 million in grant funds will be awarded per project application. Applicants may, however, submit applications for more than one project.

V. Application Review Information

All applications for grants must be delivered to the Agency at the address listed above or postmarked no later than March 28, 2008 to be eligible. After the deadline has passed, the Agency will review each timely-submitted application to determine whether it is complete and meets all of the eligibility requirements described in this NOFA.

After the application closing date, the Agency will not consider any unsolicited information from the applicant. The Agency may contact the applicant for additional information or to clarify statements in the application required to establish applicant or community eligibility and completeness. Only applications that are complete and meet the eligibility criteria will be considered. The Agency will not accept or solicit any additional information relating to the technical merits and/or economic feasibility of the grant proposal after the application closing date.

If the Agency determines that an application package was not delivered to the Agency, or postmarked on or before the deadline of March 28, 2008, the application will be rejected as untimely and returned to the applicant.

After review, the Agency will reject any application package that it determines is incomplete or that does not demonstrate that the applicant, community or project is eligible under the requirements of this NOFA and program regulations. The Assistant Administrator, Electric Programs will notify the applicant of the rejection in writing and provide a brief explanation of the reasons for rejection.

Applicants may appeal the rejection pursuant to program regulations on appeals at 7 CFR 1709.6. The appeal must be made, in writing to the Agency Administrator, within 10 days after the applicant is notified of the determination to reject the application. The appeal must state the basis for the appeal. Under 7 CFR 1709.6 appeals must be directed to the Administrator, Rural Utilities Service, Rural Development Utilities Programs, United States Department of Agriculture, 1400 Independence Ave., SW., STOP 1500, Washington, DC 20250–1500. The Administrator will review the appeal to determine whether to sustain, reverse, or modify the original determination by the Assistant Administrator. The Administrator's decision shall be final. A written copy of the Administrator's decision will be furnished promptly to the applicant.

The Agency may establish one or more rating panels to review and rate

the eligible grant applications. These panels may include persons not currently employed by USDA.

The panel will evaluate and rate all complete applications that meet the eligibility requirements using the selection criteria and weights described in this NOFA. As part of the proposal review and ranking process, panel members may make comments and recommendations for appropriate conditions on grant awards to promote successful performance of the grant or to assure compliance with other Federal requirements. The decision to include panel recommendations on grant conditions in any grant award will be at the sole discretion of the Administrator.

All applications will be scored and ranked according to the evaluation criteria and weightings described in this Notice. The evaluation criteria and weights in this NOFA differ from those used in prior NOFAs. For this reason, the ratings panel will review and revise scores of any prior applications that are being reconsidered according to the new criteria. The rating panel may revise the score upward based on any updated information submitted by the applicant.

The Agency will use the ratings and recommendations of the panel to rank applicants against other applicants. All applicants will be ranked according to their scores in this round. The rankings and recommendations will then be forwarded to the Administrator for final review and selection.

Decisions on grant awards will be made by the Agency Administrator based on the application, and the rankings and recommendations of the rating panel. The Administrator will fund grant requests in rank order to the extent of available funds. If sufficient funds are not available to fund the next ranked project, the Administrator may in his sole discretion, offer a partial award to the next project, or skip over that project to the next ranking project that can be supported with available funding. Should additional funds become available, the Administrator may in his sole discretion, make additional awards to unfunded applications submitted under this NOFA in rank order.

1. Criteria

The Agency will use the selection criteria described in this NOFA to evaluate and rate applications and will award points up to the maximum number indicated under each criterion. Applicants should carefully read the information on the rating criteria in this NOFA and the Application Guide and address all criteria. The maximum number of points that can be awarded is 100 points. The Agency will award up to 65 points for project design and technical merit criteria and up to 35 points based on priority criteria for project or community characteristics that support USDA Rural Development and Agency program priorities.

A. Project Design and Technical Merit Criteria

Reviewers will consider the soundness of applicant's approach, the technical feasibility of the project, the adequacy of financial and other resources, the competence and experience of the applicant and its team, the project goals and objectives, and community needs and benefits. A total of 65 points may be awarded under these criteria.

1. Comprehensiveness and feasibility of approach. (Up to 30 points). Raters will assess the technical and economic feasibility of the project and how well its goals and objectives address the challenges of the extremely high energy cost community. The panel will review the proposed design, construction, equipment, and materials for the community energy facilities in establishing technical feasibility. Reviewers may propose additional conditions on the grant award to assure that the project is technically sound. Reviewers will consider the adequacy of the applicant's budget and resources to carry out the project as proposed and how the applicant proposes to manage available resources such as other grants, program income, and any other financing sources to maintain and operate a financially viable project once the grant period has ended.

2. Demonstrated experience. (Up to 10 points). Reviewers will consider whether the applicant and its project team have demonstrated experience in successfully administering and carrying out projects that are comparable to that proposed in the grant application. The Agency supports and encourages emerging organizations that desire to develop the internal capacity to improve energy services in rural communities. In evaluating the capabilities of entities without extensive experience in carrying out such projects, the Agency will consider the experience of the project team and the effectiveness of the program design in compensating for lack of extensive experience.

3. Community Needs. (Up to 15 points). Reviewers will consider the applicant's identification and documentation of eligible communities, their populations, and assessment of community energy needs to be addressed by the grant project. Information on the severity of physical and economic challenges affecting eligible communities will be considered. Reviewers will weigh: (1) The applicant's analysis of community energy challenges and (2) why the applicant's proposal presents a greater need for Federal assistance than other competing applications. In assessing the applicant's demonstration of community needs, the rating panel will consider information in the narrative proposal addressing:

(a) The burden placed on the community and individual households by extremely high energy costs as evidenced by such quantitative measures as, for example, total energy expenditures, per unit energy costs, energy cost intensity for occupied space, or energy costs as a share of average household income, and persistence of extremely high energy costs compared to national or statewide averages.

(b) The hardships created by limited access to reliable and affordable energy services; and

(c) The availability of other resources to support or supplement the proposed grant funding.

4. Project Evaluation Methods. (Up to 5 points). Reviewers will consider the applicant's plan to evaluate and report on the success and cost-effectiveness of financed activities and whether the results obtained will contribute to program improvements for the applicant or for other entities interested in similar programs.

5. Coordination with State Rural Development Initiatives. (Up to 5 points). Raters will assess how effectively the proposed project is coordinated with State rural development initiatives, if any, and is consistent with and supports these efforts. The Agency will consider the documentation submitted for coordination efforts, community support, and State or local government recommendations. Applicants should identify the extent to which the project is dependent on or tied to other rural development initiatives, funding, and approvals. Applicants are advised that they should address this criterion explicitly even if only to report that the project is not coordinated with or supporting a State rural development initiative. Failure to address this criterion will result in zero points awarded.

B. Priority Criteria

In addition to the points awarded for project design and technical merit, all proposals will be reviewed and awarded additional points based on certain characteristics of the project or the target community. USDA Rural

Development policies generally encourage agencies to give priority in their programs to rural areas of greatest need and to support other Federal policy initiatives. In furtherance of these policies, the Agency will award additional points for the priorities identified in this notice. The priority criteria and point scores used in this NOFA are consistent with the program regulations in 7 CFR part 1709. The Agency will give priority consideration to smaller communities, areas suffering significant economic hardship, areas with inadequate community energy services, and areas where the condition of community energy facilities (or absence thereof) presents an imminent hazard to public health or safety. Priority points will also be awarded for proposals that include cost sharing. A maximum of 35 total points may be awarded under these priority criteria.

1. Economic Hardship. (Up to 15 points). The community experiences one or more economic hardship conditions that impair the ability of the community and/or its residents to provide basic energy services or to reduce or limit the costs of these services. Economic hardship will be assessed using either the objective measure of county median income under Option A below or subjectively under Option B based on the applicant's description of the community's economic hardships and supporting materials. Applicants may elect either measure, but not both.

Option A. Economically Distressed Communities. (Up to 15 points). The target community is an economically distressed county or Indian reservation where the median household income is significantly below the State average. Points will be awarded based on the county percentage of State median household income (or reservation percentage of State median household income in the case of Federally recognized Indian reservations) according to the following:

(1) Less than 70 percent of the State median household income, 15 points;

(2) 70 to 80 percent of the State median household income, 12 points;

(3) 80 to 90 percent of the State median household income, 10 points;

(4) 90 to 95 percent of the State median household income, 5 points; or

(5) over 95 percent of the State median household income, 0 points.

Information on State and county median income is available online from the USDA Economic Research Service at *http://www.ers.usda.gov/data/unemployment/*. Information on Indian reservations is available through the U.S. Census at *http://www.census.gov*.

Option B. Other Economic Hardship. (Up to 15 points). The community suffers from other conditions creating a severe economic hardship that is adequately described and documented by the applicant. Examples include but are not limited to natural disasters, financially distressed local industry, and loss of major local employer, persistent poverty, outmigration, or other conditions adversely affecting the local economy, or contributing to unserved or underserved energy infrastructure needs that affect the economic health of the community. The rating panel may assign points under this criterion, in lieu of awarding points based on the percentage of median household income.

2. Rurality. (Up to 14 points). Consistent with the Rural Development policy to target resources to rural communities with significant needs and recognizing that smaller communities are often comparatively disadvantaged in seeking assistance, reviewers will award additional points based on the rurality (as measured by population) of the target communities to be served with grant funds. Applications will be scored based on the population of the largest incorporated cities, towns, or villages, or census designated places included within the grant's proposed target area. Points will be awarded on the population of the largest target community within the proposed target area as follows:

(A) 2,500 or less, 14 points;

(B) Between 2,501 and 5,000, inclusive, 12 points;

(C) Between 5,001 and 10,000, inclusive, 8 points;

(D) Between 10,001 and 15,000, inclusive, 5 points;

(E) Between 15,001 and 20,000, inclusive, 2 points; and

(F) Above 20,000, 0 points.

Applicants must use the latest available population figures from Census 2000 available at *http://www.census.gov/main/www/cen2000.html* for every incorporated city, town, or village, or Census designated place included in the target area.

3. Unserved Energy Needs. (2 points). Consistent with the purposes of the RE Act, projects that meet unserved or underserved energy needs will be eligible for 2 points. Examples of proposals that may qualify under this priority include projects that extend or improve electric or other energy services to communities and customers that do not have reliable centralized or commercial service or where many homes remain without such service because the costs are unaffordable.

4. Imminent hazard. (2 points). If the grant proposal involves a project to correct a condition posing an imminent hazard to public safety, welfare, the environment, or to a critical community or residential energy facility, raters may award 2 points. Examples include community energy facilities in immediate danger of failure because of deteriorated condition, capacity limitations, damage from natural disasters or accidents, or other conditions where impending failure of existing facilities or absence of energy facilities creates a substantial threat to public health or safety, or to the environment.

5. Cost Sharing. (2 points). This grant program does not require any cost contribution. In addition to their assessment of the economic feasibility and sustainability of the project under the project evaluation factors above, raters may award 2 points for cost sharing. These points will be awarded when the proposal documents supplemental contributions of funds, property, equipment, services, or other in kind contributions for the project evidencing the applicant's and/or community's commitment to the project that taken together exceed 10 percent of the total project costs. The applicant must specifically request additional points for cost sharing.

2. Review and Selection Process

A. Scoring and Ranking of Applications

Following the evaluation and rating of individual applications under the above criteria, the rating panel will rank the applications in numerical order according to their total scores. The scored and ranked applications and the raters' comments will then be forwarded to the Administrator for review and selection of grant awards.

B. Selection of Grant Awards and Notification of Applicants

The Agency Administrator will review the rankings and recommendations of the applications provided by the rating panel for consistency with the requirements of this NOFA. The Administrator may return any application to the rating panel with written instruction for reconsideration if, in his sole discretion, he finds that the scoring of an application is inconsistent with this NOFA and the directions provided to the rating panel.

Following any adjustments to the project rankings as a result of reconsideration, the Administrator will select projects for funding in rank order. If funds remain after funding the highest

ranking application, the Agency may fund all or part of the next highest ranking application. The Agency will advise an applicant if it cannot fully fund a grant request and ask whether the applicant will accept a reduced award.

The Administrator may decide based on the recommendations of the rating panel or in his sole discretion that a grant award may be made fully or partially contingent upon the applicant satisfying certain conditions or providing additional information and analyses. For example, the Agency may defer approving a final award to a selected project—such as projects requiring more extensive environmental review and mitigation, preparation of detailed site specific engineering studies and designs, or requiring local permitting, or availability of supplemental financing—until any additional conditions are satisfied. In the event that a selected applicant fails to comply with the additional conditions within the time set by the Agency, the selection will be vacated and the next ranking project will be considered.

If a selected applicant turns down a grant award offer, or fails to conclude a grant agreement acceptable to the Agency, or to provide required information requested by the Agency within the time period established in the notification of selection for grant award, the Agency Administrator may select for funding the next highest ranking application submitted in response to this NOFA. If sufficient funds are not available to fund the next ranked project, the Administrator may in his sole discretion, offer a partial award to the next project, or skip over that project to the next ranking project that can be supported with available funding. Should additional funds become available in Fiscal Year 2007 or in a subsequent Fiscal Year prior to the next solicitation of competitive grant applications, the Administrator may in his sole discretion, make additional awards to unfunded applications submitted under this NOFA in rank order.

The Agency will notify each applicant in writing whether or not it has been selected for an award. The Agency's written notice to a successful applicant of the amount of the grant award based on the approved application will constitute the Agency's preliminary acceptance of a project for an award, subject to compliance with all post-selection requirements including but not limited to completion of any environmental reviews and negotiation and execution of a grant agreement satisfactory to the Agency. This preliminary acceptance does not bind the Government to making a final grant award. Only a final grant award and agreement executed by the Administrator will constitute a binding obligation and commitment of Federal funds. Funds will not be awarded or disbursed until all requirements have been satisfied and are contingent on the continued availability of appropriated funds at the time of the award. The Agency will advise selected applicants of additional requirements or conditions.

C. Adjustments to Funding

The Agency reserves the right to fund less than the full amount requested in a grant application to ensure the fair distribution of the funds and to ensure that the purposes of a specific program are met. The Agency will not fund any portion of a grant request that is not eligible for funding under Federal statutory or regulatory requirements; that does not meet the requirements of this NOFA, or that may duplicate other Agency-funded activities, including electric loans. Only the eligible portions of a successful grant application will be funded.

Grant assistance cannot exceed the lower of:

(a) The qualifying percentage of eligible project costs requested by the applicant; or

(b) The minimum amount sufficient to provide for the economic feasibility of the project as determined by the Agency.

VI. Award Administration Information

1. Award Notices.

The Agency will notify all applicants in writing whether they have been selected for an award. Successful applicants will be advised in writing of their selection as award finalists. Successful applicants will be required to negotiate a grant agreement acceptable to the Agency and complete additional grant forms and certifications required by USDA as part of the pre-award process.

Depending on the nature of the activities proposed by the application, the grantee may be asked to provide information and certifications necessary for compliance with The Agency's environmental policy regulations and procedures for Electric Programs at 7 CFR part 1794. Following completion of the environmental review, selected applicants will receive a letter of conditions establishing any project-specific conditions to be included in the grant agreement and asked to execute a letter of intent to meet the grant conditions or to detail why such conditions can't be met and to propose alternatives. Grant funds will not be advanced unless and until the applicant has executed a grant agreement acceptable to the Agency.

The Agency will require each successful applicant to agree to the specific terms of each grant agreement, a project budget, and other program requirements. In cases where the Agency cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide requested information within the time specified, an award will not be made to that applicant. The selection will be revoked and the Agency may offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest ranking applicant, subject to the availability of funds.

2. Administrative and National Policy Requirements

A. Environmental Review and Restriction on Certain Activities

Grant awards are required to comply with 7 CFR part 1794, which sets forth Agency regulations implementing the National Environmental Policy Act (NEPA). Grantees must also agree to comply with any other Federal or State environmental laws and regulations applicable to the grant project.

If the proposed grant project involves physical development activities or property acquisition, the applicant is generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property or facilities, or committing or expending Agency or non-Agency funds for proposed grant activities until the Agency has completed any environmental review in accordance with 7 CFR part 1794 or determined that no environmental review is required. Successful applicants will be advised whether additional environmental review and requirements apply to their proposals.

B. Other Federal Requirements

Other Federal statutes and regulations apply to grant applications and to grant awards. These include, but are not limited to, requirements under 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

Certain Office of Management and Budget (OMB) circulars also apply to USDA grant programs and must be

followed by a grantee under this program. The policies, guidance, and requirements of the following, or their successors, may apply to the award, acceptance and use of assistance under this program and to the remedies for noncompliance, except when inconsistent with the provisions of the Agriculture, Rural Development and Related Agencies Appropriations Acts, other Federal statutes or the provisions of this NOFA:

- OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments);
- OMB Circular A–21 (Cost Principles for Education Institutions);
- OMB Circular No. A–122 (Cost Principles for Nonprofit Organizations);
- OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations);
- 7 CFR part 3015 (Uniform Federal Assistance Regulations);
- 7 CFR part 3016 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments);
- 7 CFR part 3017 (Government-wide debarment and suspension (non-procurement) and
- Government-wide requirements for drug-free workplace (grants));
- 7 CFR part 3018 (New restrictions on Lobbying);
- 7 CFR part 3019 (Uniform administrative requirements for grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations); and
- 7 CFR part 3052 (Audits of States, local governments, and non-profit organizations).

Compliance with additional OMB Circulars or government-wide regulations may be specified in the grant agreement.

3. Reporting

The grantee will be required to provide periodic financial and performance reports under USDA grant regulations and program rules and to submit a final project performance report. The nature and frequency of required reports are established in USDA grant regulations and the project-specific grant agreements.

VII. Agency Contact

The Agency Contact for this grant announcement is Karen Larsen, Management Analyst, United States Department of Agriculture, Rural Development Electric Program, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, e-mail *Karen.Larsen@usda.gov.*

Dated: January 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8–1381 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Funding Availability and Solicitation of Applications

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Funding Availability and Solicitation of Applications.

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or Agency, announces its Distance Learning and Telemedicine (DLT) grant, combination loan-grant and loan program application windows for Fiscal Year (FY) 2008.

In addition to announcing the application windows, the Agency announces the available funding and the minimum and maximum amounts for DLT grants, combination loan-grants and loans applicable for the fiscal year.

The Distance Learning and Telemedicine Grant Program was authorized by the 1990 Farm Bill to provide grants to rural schools and health care providers. The 1996 Farm Bill reauthorized the Distance Learning and Telemedicine Grant Program and established a new loan component. The Distance Learning and Telemedicine (DLT) Program is specifically designed to meet the educational and health care needs of rural America through the use of advanced telecommunications technologies.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must be postmarked and mailed, shipped, or sent overnight *no later* than April 14, 2008 to be eligible for FY 2008 grant funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.
- Electronic copies must be received by April 14, 2008 to be eligible for FY 2008 grant funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.

ADDRESSES: You may obtain copies of the FY 2008 application guides and materials for the DLT grant program may be obtained at the following sources:

- The DLT Web site: *http://www.usda.gov/rus/telecom/dlt/dlt.htm,*
- Contacting the DLT Program at (202) 720–0413.
- Paper applications are to be submitted to Rural Development Utilities Programs, United States Department of Agriculture, 1400 Independence Ave., SW., Room 2845, STOP 1550, Washington, DC 20250–1550. Applications should be marked ''Attention: Director, Advanced Services Division, Telecommunications Program.''

Electronic applications may be submitted through Grants.gov. Information on how to submit applications electronically is available on the Grants.gov Web site (*http://www.grants.gov*). Applicants must successfully pre-register with Grants.gov to use the electronic applications option. Application information may be downloaded from Grants.gov without preregistration.

FOR FURTHER INFORMATION CONTACT: Director, Advanced Services Division, Telecommunications Program, Rural Development Utilities Programs, United States Department of Agriculture, telephone: (202) 720–0413, fax: (202) 720–1051.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Distance Learning and Telemedicine Grants, Combination Loan-grants, and Loans.

Announcement Type: Initial announcement.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.855.

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Items in Supplementary Information

I. Funding Opportunity: Brief introduction to the DLT program.

II. Minimum and Maximum Application Amounts: Projected Available Funding.

III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

VI. Award Administration Information: Award notice information, award recipient reporting requirements.

VII. Agency Contacts: Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

Distance learning and telemedicine loans and grants are specifically designed to provide access to education, training and health care resources for people in rural America. The Distance Learning and Telemedicine (DLT) Program provides financial assistance to encourage and improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents.

Grants, which are awarded through a competitive process, may be used to fund telecommunications-enabled information, audio and video equipment and related advanced technologies which extend educational and medical applications into rural locations. Grants are made for projects where the benefit is primarily delivered to end users that are not at the same location as the source of the education or health care service.

As in years past, the FY 2008 grant application guide has been changed to reflect recent changes in technology and application trends. Details of changes from the FY 2007 application guide are highlighted throughout this Notice and described in full in the FY 2008 application guide. All applicants must carefully review and *exactly* follow the FY 2008 application guide and sample materials when compiling a DLT grant application.

Applications for loans and combination loan-grants are not competitively scored. In addition to the items listed for grants, loans and combination loan-grants may be used to fund projects where the benefit is primarily at the same location as the source of the service. Loans and combination loan-grants may also fund construction of necessary transmission facilities on a technology-neutral basis. Examples of such facilities include satellite uplinks, microwave towers and associated structures, T–1 lines, DS–3 lines, and other similar facilities. Loan funds may also be used to obtain mobile units and for some building construction. Please see 7 CFR 1703, Subparts D, E, F and G for specifics.

A new combination loan-grant program was initiated in FY 2007 for Electronic Medical Records systems. This program was well received and will continue for FY 2008 with no modification. The special loan-to-grant ratio of 4:1 remains in effect for FY 2008, as well.

II. Maximum and Minimum Amount of Applications; Projected Available Funding

The Administrator has determined that in FY 2008 the amount of $29,790,000 is available for all grants, both 100% grants and combination loan-grants. Of this, the Administrator anticipates that $24,763,815 will be available for 100% grants. He anticipates that the balance will be used for combination loan-grants as described below. The Administrator has determined the maximum amount of an application for a 100% grant in FY 2008 is $500,000 and the minimum amount of a grant is $50,000.

The Administrator has determined that there is a total of $28,265,371 available for 100% loans and combination loan-grants. He anticipates that this will be divided among 100% loans and combination loan-grants based on applications already received and on those that will be submitted during the fiscal year.

The Administrator anticipates that 100% loan and combination loan-grant applications already received will require $4,649,000 in loan dollars and $526,185 in grant dollars, for a total of $5,175,185.

Under 7 CFR 1703.143, the Administrator has determined the maximum amount of an application for a 100% loan in FY 2008 is $10 million and the minimum amount of a 100% loan is $50,000.

Combination loan-grants will be offered at a loan-to-grant ratio of 9:1, i.e. $9 in loan to $1 in grant. Under 7 CFR 1703.133, the Administrator has determined the maximum amount of an application for a combination loan-grant in FY 2008 is $10 million and the minimum amount of a combination loan-grant is $50,000. For this program, the Administrator has anticipated that $13,500,000 in loans will be paired with $1,500,000 in grants, for a total available of $15 million.

For projects that are for electronic medical records systems, combination loan-grants will be offered at a special rate. The loan-to-grant ratio for the special ratio combination loan-grant program will be 4:1, i.e. $4 in loan to $1 in grant. Under 7 CFR 1703.133, the Administrator has determined the maximum amount of a special ratio combination loan-grant application is $1 million, and the minimum amount is $50,000. For this special ratio program, the Administrator has anticipated that $10 million in loans will be paired with $2,500,000 in grants, for a total available of $12,500,000.

DLT grants, combination loan-grants and loans cannot be renewed. Award documents specify the term of each award. Rural Development will make awards and execute documents appropriate to the project prior to any advance of funds to successful applicants. Applications to extend existing projects are welcomed (100% grant applications must be submitted during the application window) and will be evaluated as new applications.

III. Eligibility Information

A. Who is eligible for grants, combination loan-grants, and loans? (See 7 CFR 1703.103.)

1. Only entities legally organized as one of the following are eligible for DLT financial assistance:

a. An incorporated organization or partnership,

b. An Indian tribe or tribal organization, as defined in 25 U.S.C. 450b(b) and (c),

c. A state or local unit of government,

d. A consortium, as defined in 7 CFR 1703.102, or

e. Other legal entity, including a private corporation organized on a for-profit or not-for-profit basis.

2. Individuals are not eligible for DLT program financial assistance directly.

3. Electric and telecommunications borrowers under the Rural Electrification Act of 1936 (7 U.S.C. 950aaa et seq.) are not eligible for grants or combination loan-grants, but are eligible for loans.

B. What are the basic eligibility requirements for a project?

1. Required matching contributions for grants: See 7 CFR 1703.125(g) and the FY 2008 application guide for information on required matching contributions.

a. Grant applicants must demonstrate matching contributions, in cash or in kind (new, non-depreciated items), of at

least fifteen (15) percent of the total amount of financial assistance requested. Matching contributions *must* be used for eligible purposes of DLT grant assistance (see 7 CFR 1703.121, paragraphs IV.H.1.b of this Notice and the FY 2008 application guide).

b. Greater amounts of eligible matching contributions may increase an applicant's score (see 7 CFR 1703.126(b)(4), paragraph V.B.2.d of this notice, and the FY 2008 application guide).

c. Applications that do not provide evidence of the required fifteen percent match which helps determine eligibility will be declared ineligible and returned. See paragraphs IV.H.1.c and V.B.2.d of this Notice, and the FY 2008 application guide for specific information on documentation of matching contributions.

d. Applications that do not document all matching contributions are subject to budgetary adjustment by the Agency, which may result in rejection of an application as ineligible due to insufficient match.

2. The DLT loan, combination loan-grant and grant programs are designed to flow the benefits of distance learning and telemedicine to residents of rural America (see 7 CFR 1703.103(a)(2)). Therefore, in order to be eligible, applicants must:

a. Operate a rural community facility; or

b. Deliver distance learning or telemedicine services to entities that operate a rural community facility or to residents of rural areas, at rates calculated to ensure that the benefit of the financial assistance is passed through to such entities or to residents of rural areas.

3. Rurality.

a. All projects proposed for DLT grant assistance must meet a minimum rurality threshold, to ensure that benefits from the projects flow to rural residents. The minimum eligibility score is 20 points. Please see Section IV of this notice, 7 CFR 1703.126(a)(2), and the FY 2008 application guide for an explanation of the rurality scoring and eligibility criterion.

b. Each application must apply the following criteria to each of its end-user sites, and hubs that are also proposed as end-user sites, in order to determine a rurality score. The rurality score is the average of all end-user sites' rurality scores.

Criterion	Character	Population	DLT points
Exceptionally Rural Area	Area not within an Urbanized Area or Urban Cluster.	≤ 5,000	45
Rural Area	Area in an Urban Cluster	> 5,000 and ≤ 10,000	30
Mid-Rural Area	Area in an Urban Cluster	>10,000 and ≤ 20,000	15
Urban Area	Area in an Urbanized Area or Urban Cluster.	> 20,000	0

c. The rurality score is one of the competitive scoring criteria applied to grant applications.

4. Projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501, *et seq.*) are not eligible for financial assistance from the DLT Program. Please see 7 CFR 1703.123(a)(11), 7 CFR 1703.132(a)(5), and 7 CFR 1703.142(b)(3).

C. See Section IV of this Notice and the FY 2008 application guide for a discussion of the items that make up a complete application. For requirements of completed applications you may also refer to 7 CFR 1703.125 for grant applications, 7 CFR 1703.134 for combination loan-grant applications, and 7 CFR 1703.144 for loan applications. The FY 2008 application guide provides specific, detailed instructions for each item that constitutes a complete application. The Agency strongly emphasizes the importance of *including every required item* (as explained in the FY 2008 application guide) and strongly encourages applicants to follow the instructions *exactly*, using the examples and illustrations in the FY 2008 application guide. Applications which do not include all items that determine project eligibility and applicant eligibility by the application deadline will be returned as ineligible. Applications that do not include all items necessary for scoring will be scored as is. Please see the FY 2008 application guide for a full discussion of each required item and for samples and illustrations.

IV. Application and Submission Information

A. *Where to get application information.* FY 2008 application guides, copies of necessary forms and samples, and the DLT Program regulation are available from these sources:

1. The Internet: *http://www.usda.gov/rus/telecom/dlt/dlt.htm.*

2. The DLT Program for paper copies of these materials: (202) 720–0413.

B. *What's new for FY 2008?*

1. Applicants are reminded that end user sites are rural facilities. See 7 CFR 1703.102, Definitions, ''End User'' and ''End User Site''. We have experienced an increase in the number of applications which attempt to include urban educational and medical facilities as end user sites. Urban facilities can serve as hub sites, but not end user sites. For projects with non-fixed end user sites, only those end user sites outside urban areas can be funded. The FY 2008 application guide contains clarifying language to elaborate on this provision of the regulation.

2. If a grant application includes a site that is included in any other DLT grant application for FY 2008, or a site that has been included in any DLT grant funded in FY 2007 or FY 2006, the application should contain a detailed explanation of the related applications or grants. The Agency must make a nonduplication finding for each grant approved, and apparent but unexplained duplication of funding for a site can prevent such a finding.

C. What constitutes a completed application?

1. For DLT Grants:

a. Detailed information on each item in the table in paragraph IV.C.1.f. of this Notice can be found in the sections of the DLT Program regulation listed in the table, and the DLT grant application guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide.

(1) When the table refers to a narrative, it means a written statement, description or other written material prepared by the applicant, for which no form exists. Rural Development recognizes that each project is unique and requests narratives to allow applicants to explain their request for financial assistance.

(2) When documentation is requested, it means letters, certifications, legal documents or other third-party documentation that provide evidence that the applicant meets the listed requirement. For example, to confirm

Enterprise Zone (EZ) designations, applicants use various types of documents, such as letters from appropriate government bodies. Leveraging documentation generally will be letters of commitment from other funding sources. In-kind matches must be items purchased after the application deadline date that are essential to the project and documentation from the donor must demonstrate the relationship of each item to the project's function. Evidence of legal existence is sometimes proven by submitting articles of incorporation. None of the foregoing examples is intended to limit the types of documentation that may be submitted to fulfill a requirement. DLT Program regulations and the application guide provide specific guidance on each of the items in the table.

b. The DLT application guide and ancillary materials provide all necessary forms and sample worksheets.

c. While the table in paragraph IV.C.1.f of this Notice includes all items of a completed application, Rural Development may ask for additional or clarifying information for applications which, as submitted by the deadline, appear to clearly demonstrate that they meet eligibility requirements.

d. Submit the required application items in the order provided in the FY 2008 application guide. The FY 2008 application guide specifies the format and order of all required items. Applications that are not assembled and tabbed in the order specified prevent timely determination of eligibility. Given the high volume of program interest, incorrectly assembled applications, and applications with inconsistency among submitted copies will be returned as ineligible.

e. *DUNS Number.* As required by the OMB, all applicants for grants must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying. The Standard Form 424 (SF–424) contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see *http://www.grants.gov/applicants/request_duns_number.jsp* for more information on how to obtain a DUNS number or how to verify your organization's number.

f. Compliance with other Federal statutes. The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

(i) *7 CFR part 15, subpart A*—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

(ii) *7 CFR part 3015*—Uniform Federal Assistance Regulations.

(iii) *7 CFR part 3017*—Governmentwide Debarment and Suspension (Non-procurement).

(iv) *7 CFR part 3018*—New Restrictions on Lobbying.

(v) 7 CFR part 3021—Governmentwide Requirements for Drug-Free Workplace.

g. *Table of Required Elements of a Completed Grant Application.*

Application item	Required items	
	Grants (7 CFR 1703.125 and CFR 1703.126)	Comment
SF–424 (Application for Federal Assistance form)	Yes	*Completely* filled out.
Executive Summary	Yes	Narrative.
Objective Scoring Worksheet	Yes	RUS worksheet.
Rural Calculation Table	Yes	RUS worksheet.
National School Lunch Program Determination	Yes	RUS worksheet; must include source documentation.
EZ/EC or Champion Communities designation	Yes	Documentation.
Documented Need for Services/Benefits Derived from Services.	Yes	Narrative & documentation, if necessary.
Innovativeness of the Project	Yes	Narrative & documentation.
Budget	Yes	Table or spreadsheet; Recommend using the RUS format.
Leveraging Evidence and Funding Commitments from All Sources	Yes	RUS worksheet and source documentation.
Financial Information/Sustainability	Yes	Narrative.
System/Project Cost Effectiveness	Yes	Narrative & documentation.
Telecommunications System Plan	Yes	Narrative & documentation; maps or diagrams, if appropriate.
Proposed Scope of Work	Yes	Narrative or other appropriate format.
Statement of Experience	Yes	Narrative 3-page, single-spaced limit.
Consultation with the USDA State Director, Rural Development.	Yes	Documentation.
Application conforms with State Strategic Plan per USDA State Director, Rural Development, (if plan exists).	Yes	Documentation.
Certifications:		
Equal Opportunity and Nondiscrimination	Yes	Recommend using the RUS sample form.
Architectural Barriers	Yes	Recommend using the RUS sample form.
Flood Hazard Area Precautions	Yes	Recommend using the RUS sample form.
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.	Yes	Recommend using the RUS sample form.
Drug-Free Workplace	Yes	Recommend using the RUS sample form.
Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.	Yes	Recommend using the RUS sample form.
Lobbying for Contracts, Grants, Loans, and Cooperative Agreements.	Yes	Recommend using the RUS sample form.
Non Duplication of Services	Yes	Recommend using the RUS sample form.
Environmental Impact/Historic Preservation Certification	Yes	Recommend using the RUS sample form.
Federal Obligations on Delinquent Debt	Yes	Recommend using the RUS sample form.

Application item	Required items	
	Grants (7 CFR 1703.125 and CFR 1703.126)	Comment
Evidence of Legal Authority to Contract with the Government (documentation).	Yes	Recommend using the RUS sample form.
Evidence of Legal Existence (documentation)	Yes	Recommend using the RUS sample form.
Supplemental Information (if any)	Optional	Narrative, documentation or other appropriate format.

2. For combination loan-grant and loan applications:

a. Detailed information on each item in the table in paragraph IV.C.2.f. of this Notice can be found in the sections of the DLT Program regulation listed in the table, and the DLT application guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide.

(1) When the table refers to a narrative, it means a written statement, description or other written material prepared by the applicant, for which no form exists. The Agency recognizes that each project is unique and requests narratives to allow applicants to explain their request for financial assistance.

(2) When documentation is requested, it means letters, certifications, legal documents or other third party documentation that provide evidence that the applicant meets the listed requirement. For example, evidence of legal existence is sometimes proven by applicants who submit articles of incorporation. This example is not intended to limit the types of documentation that may be submitted to fulfill a requirement. DLT program regulations and the application guide provide specific guidance on each of the items in the table.

b. The DLT application guide and ancillary materials provide all necessary forms and sample worksheets.

c. While the table in paragraph IV.C.2.f. of this Notice includes all items of a completed application for each program, the Agency may ask for additional or clarifying information.

d. Submit the required application items in the listed order.

e. DUNS Number. As required by the OMB, all applicants for combination loan-grants must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying. The Standard Form 424 (SF–424) contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see the DLT Web site or Grants.gov for more information on how to obtain a DUNS number or how to verify your organization's number.

f. Table of required items in a combination loan-grant or loan application:

Application item	Required items	
	Combination loan/grants (7 CFR 1703.134)	Loans
Completed SF–424 (Application for Federal Assistance form)	Yes	Yes.
Executive Summary (narrative)	Yes	Yes.
Rural Calculation Table	Yes	Yes.
Budget (table or other appropriate format)	Yes	Yes.
Financial Information/Sustainability (narrative)	Yes	Yes.
Pro Forma Financial Data (documentation)	Yes	Yes.
Ability to execute a note with maturity greater than 1 year (documentation)	Yes	Yes.
Budget	Yes	Yes.
Revenue/expense reports and balance sheet (documentation: table or other appropriate format)	Yes [1]	Yes [1].
Balance sheet (table or other appropriate format) for a partnership, corporation, company, other entity; or consortia of such entities (documentation).	Yes [2]	Yes [2].
Property list (collateral/adequate security (documentation))	Yes	Yes.
Depreciation Schedule	Yes	Yes.
Revenue source(s) for each hub and end-user site (documentation)	Yes	Yes.
Economic analysis of rates—if applicant proposes to provide services for another entity	Yes	Yes.
Telecommunications System Plan (narrative & documentation; maps or diagrams, if appropriate)	Yes	Yes.
Scope of Work (narrative or other appropriate format)	Yes	Yes.
Statement of Experience (narrative 3-page, single spaced limit)	Yes	Yes.
Certifications:		
*Equal Opportunity and Nondiscrimination.		
*Architectural Barriers.		
*Flood Hazard Area Precautions.		
*Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.		
*Drug Free Workplace.		
*Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions	All Yes	All Yes.
*Lobbying for Contracts, Grants, Loans, and Cooperative Agreements.		
*Non-Duplication of Services.		
*Environmental Impact/Historic Preservation Certification.		
*Environmental Impact/Historic Preservation Questionnaire.		
*Federal Obligations on Delinquent Debt.		
Evidence of Legal Authority to Contract with the Government (documentation)	Yes	Yes.
Evidence of Legal Existance (documentation)	Yes	Yes.
Supplemental Information (if any) (narrative, documentation or other appropriate format.)	Optional	Optional.

D. How many copies of an application are required?

1. Applications submitted on paper.

a. Submit the original application and two (2) copies to USDA Rural Development.

b. Submit one (1) additional copy to the state government single point of contact (SPOC) (if one has been designated) at the same time as you submit the application to the Agency. See *http://www.whitehouse.gov/omb/grants/spoc.html* for an updated listing of State government single points of contact.

2. Electronically submitted applications. The Agency cannot accept loan applications electronically at this time. Only grants and combination loan-grants may be requested electronically.

a. The additional paper copies are not necessary if you submit the application electronically through *Grants.gov*.

b. Submit one (1) copy to the state government single point of contact (if one has been designated) at the same time as you submit the application to the Agency. See *http://www.whitehouse.gov/omb/grants/spoc.html* for an updated listing of State government single points of contact.

E. *How and where to submit an application*. Grant and combination loan-grant applications may be submitted on paper or electronically.

1. Submitting applications on paper.

a. Address paper applications to the Telecommunications Program, Rural Development, United States Department of Agriculture, 1400 Independence Ave., SW., Room 2845, STOP 1550, Washington, DC 20250–1550. Applications should be marked ''Attention: Director, Advanced Services Division.''

b. Paper grant applications must show proof of mailing or shipping by the deadline consisting of one of the following:

(i) A legibly dated U.S. Postal Service (USPS) postmark;

(ii) A legible mail receipt with the date of mailing stamped by the USPS; or

(iii) A dated shipping label, invoice, or receipt from a commercial carrier.

c. Due to screening procedures at the Department of Agriculture, packages arriving via regular mail through the USPS are irradiated, which can damage the contents and delay delivery to the DLT Program. Rural Development encourages applicants to consider the impact of this procedure in selecting their application delivery method.

2. Electronically submitted applications.

a. Applications will not be accepted via fax or electronic mail.

b. Electronic applications for grants and combination loan-grants will be accepted if submitted through the Federal government's *Grants.gov* initiative at *http://www.grants.gov*.

c. How to use *Grants.gov*.

(i). *Grants.gov* contains full instructions on all required passwords, credentialing and software.

(ii) Central Contractor Registry. Submitting an application through *Grants.gov* requires that you list your organization in the Central Contractor Registry (CCR). Setting up a CCR listing takes up to five business days, so the Agency strongly recommends that you obtain your organization's DUNS number and CCR listing well in advance of the deadline specified in this notice.

(iii) Credentialing and authorization of applicants. *Grants.gov* will also require some credentialing and online authentication procedures. These procedures may take several business days to complete, further emphasizing the need for early action by applicants to complete the sign-up, credentialing and authorization procedures at *Grants.gov* before you submit an application at that Web site.

(iv) Some or all of the CCR and *Grants.gov* registration, credentialing and authorizations require updates. If you have previously registered at *Grants.gov* to submit applications electronically, please ensure that your registration, credentialing and authorizations are up to date well in advance of the grant application deadline.

d. Rural Development encourages applicants who wish to apply through *Grants.gov* to submit their applications in advance of the deadlines.

e. If a system problem occurs or you have technical difficulties with an electronic application, please use the customer support resources available at the *Grants.gov* Web site.

F. Deadlines

1. Paper grant applications must be postmarked and mailed, shipped, or sent overnight no later than April 14, 2008 to be eligible for FY 2008 grant funding. Late applications, applications which do not include proof of mailing or shipping as described in paragraph IV.E.b., and incomplete applications are not eligible for FY 2008 grant funding.

2. Electronic grant applications must be received by April 14, 2008 to be eligible for FY 2008 funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.

G. *Intergovernmental Review*. The DLT grant program is subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' As stated in paragraph IV.D.1. of this Notice, a copy of a DLT grant application must be submitted to the state single point of contact if one has been designated. Please see *http://www.whitehouse.gov/omb/grants/spoc.html* to determine whether your state has a single point of contact.

H. Funding Restrictions

1. Eligible purposes.

a. For grants, end-user sites may receive financial assistance; hub sites (rural or non-rural) may also receive financial assistance if they are necessary to provide DLT services to end-user sites. Please see 7 CFR 1703.101(h).

b. To fulfill the policy goals laid out for the DLT Program in 7 CFR 1703.101, the following table lists purposes for financial assistance and whether each purpose is generally considered to be eligible for the form of financial assistance. Please consult the FY 2008 application guide and the regulations (7 CFR 1703.102 for definitions, in combination with the portions of the regulation cited in the table) for detailed requirements for the items in the table. Rural Development *strongly* recommends that applicants exclude ineligible items from the grant and match portions of grant application budgets. However, some items ineligible for funding or matching contributions may be vital to the project. Rural Development encourages applicants to document those costs in the application's budget. Please see the FY 2008 application guide for a recommended budget format, and detailed budget compilation instructions.

	Grants	Combination loan-grants	Loans
Lease or purchase of eligible DLT equipment and facilities.	Yes, equip. only	Yes.	
Acquire instructional programming	Yes	Yes.	

	Grants	Combination loan-grants	Loans
Technical assistance, develop instructional programming, engineering or environmental studies.	Yes, up to 10% of the grant.	Yes, up to 10% of the financial assistance.	
Medical or education equipment or facilities necessary to the project.	Yes.		
Vehicles using distance learning or telemedicine technology to deliver services.	No	Yes.	
Teacher-student links located at the same facility	No	Yes, if part of a broader DLT network that meets other eligible program purposes.	
Links between medical professionals located at the same facility.	No	Yes, if part of a broader DLT network that meets other eligible program purposes.	
Site development or building alteration	No	Yes, if the activity meets other program purposes.	
Land of building purchase	No	Yes, if the activity meets other program purposes.	
Building Construction	No	Yes, if the activity meets other program purposes.	
Acquiring telecommunications transmission facilities	No	Yes, if other telecommunications carriers will not install in a reasonable time period and at an economically viable cost to the project.	
Salaries, wages, benefits for medical or educational personnel.	No.		
Salaries or administrative expenses of applicant or project.	No.		
Recurring project costs or operating expenses	No, (equipment & facility leases are not recurring project costs).	Yes, for the first two years after approval (equipment & facility leases are not recurring project costs).	
Equipment to be owned by the LEC or other telecommunications service provider, if the provider is the applicant.	No	Yes.	
Duplicative distance learning or telemedicine services	No.		
Any project that for its success, depends on additional DLT financial assistance or other financial assistance that is not assured.	No.		
Application Preparation Costs	No.		
Other project costs not in regulation	No	Yes, for the first two years of operation.	
Cost of facilities providing distance learning broadcasting (amount).	No	Yes, financial assistance directly proportional to the distance learning portion of use.	
Reimburse applicants of others for costs incurred prior to USDA RURAL DEVELOPMENT receipt of completed application.	No.		

c. *Discounts.* The DLT Program regulation has long stated that manufacturers' and service providers' discounts are not eligible matches. The Agency will not consider as eligible any proposed match from a vendor, manufacturer, or service provider whose products or services will be used in the DLT project as described in the application. In recent years, the Agency has noted a trend of vendors, manufacturers and other service providers offering their own products and services as in-kind matches for a project when their products or services will also be purchased with either grant or cash match funds for that project. Such activity is a discount and is therefore not an eligible match. Similarly, if a vendor, manufacturer or other service provider proposes a cash match (or any in-kind match) when their products or services will be purchased with grant or match funds, such activity is a discount and is not an eligible match. The Agency actively discourages such matching proposals and will adjust budgets as necessary to remove any such matches, which may reduce an application's score or result in the application's ineligibility due to insufficient match.

d. For special ratio combination loan-grant applications, the only eligible purpose is for the conversion to electronic medical records systems, or for the extension of an existing electronic medical records system to a new rural location.

2. *Eligible Equipment & Facilities.* Please see 7 CFR 1703.102 for definitions of eligible equipment, eligible facilities and telecommunications transmission facilities as used in the table above. In

addition, the FY 2008 application guide supplies a wealth of information and examples of eligible and ineligible items.

3. *Apportioning budget items.* Many DLT applications propose to use items for a blend of specific DLT project purposes and other purposes. Rural Development will now fund such items, if the applicants attribute the proportion (by percentage of use) of the costs of each item to the project's DLT purpose or to other purposes to enable consideration for a grant of the portion of the item that is for DLT usage. See the FY 2008 application guide for detailed information on how to apportion use and apportioning illustrations.

V. Application Review Information

A. Special Considerations or Preferences

1. American Samoa, Guam, Virgin Islands, and Northern Mariana Islands applications are exempt from the matching requirement up to a match amount of $200,000 (see 48 U.S.C. 1469a; 91 Stat. 1164).

2. 7 CFR 1703.112 directs that Rural Development Telecommunications Borrowers receive expedited consideration of a loan application or advance under the Rural Electrification Act of 1936 (7 U.S.C. 901–950aa, et seq.) if the loan funds in question are to be used in conjunction with a DLT grant, loan, or combination loan-grant (See 7 CFR 1737 for loans and 7 CFR 1744 for advances).

B. Criteria

1. Grant application scoring criteria (total possible points: 235). See 7 CFR 1703.125 for the items that will be reviewed during scoring, and 7 CFR 1703.126 for scoring criteria.

2. Grant applications are scored competitively subject to the criteria listed below.

a. Need for services proposed in the application, and the benefits that will be derived if the application receives a grant (up to 55 points).

(i) Up to 45 of the 55 possible points under this criterion are available to all applicants. Points are awarded based on the required narrative crafted by the applicant. Rural Development encourages applicants to carefully read the cited portions of the Program regulation and the FY 2008 application guide for full discussions of this criterion.

(ii) Up to 10 of the possible 55 possible points are to recognize economic need not reflected in the project's National School Lunch Program (NSLP) score, and can be earned only by applications whose overall NSLP eligibility is less than 50%. To be eligible to receive points under this, the application must include an affirmative request for consideration of the possible 10 points, and compelling documentation of reasons why the NSLP eligibility percentage does not represent the economic need of the proposed project beneficiaries.

b. Rurality of the proposed service area (up to 45 points).

c. Percentage of students eligible for the NSLP in the proposed service area (objectively demonstrates economic need of the area) (up to 35 points).

d. Leveraging resources above the required matching level (up to 35 points). Please see paragraph III.B of this Notice for a brief explanation of matching contributions.

e. Level of innovation demonstrated by the project (up to 15 points).

f. System cost-effectiveness (up to 35 points).

g. Project overlap with Empowerment Zone, Enterprise Communities or Champion Communities designations (up to 15 points).

C. Grant Review Standards

1. In addition to the scoring criteria that rank applications against each other, the Agency evaluates grant applications for possible awards on the following items, according to 7 CFR 1703.127:

a. Financial feasibility.

b. Technical considerations. If the application contains flaws that would prevent the successful implementation, operation or sustainability of a project, the Agency will not award a grant.

c. Other aspects of proposals that contain inadequacies that would undermine the ability of the project to comply with the policies of the DLT Program.

2. Applications which do not include all items that determine project eligibility and applicant eligibility by the application deadline will be returned as ineligible. Applications that do not include all items necessary for scoring will be scored as is. Please see the FY 2008 application guide for a full discussion of each required item and for samples and illustrations. The Agency will not request missing items that affect the application's score.

3. The FY 2008 grant application guide specifies the format and order of all required items. Applications that are not assembled and tabbed in the order specified. Incorrectly assembled applications will be returned as ineligible.

4. Most DLT grant projects contain numerous project sites. Rural Development requires that site information be consistent throughout an application. Sites must be referred to by the same designation throughout all parts of an application. Rural Development has provided a site worksheet that requests the necessary information, and can be used as a guide by applicants. Rural Development strongly recommends that applicants complete the site worksheet, listing all requested information for each site. Applications without consistent site information will be returned as ineligible.

5. DLT grant applications which have non-fixed end-user sites, such as ambulance and home health care services, are now scored using a simplified scoring method that finds the relative rurality of the applicant's service area. See the FY 2008 application guide for specific guidance on this method of scoring. When an application contains non-fixed sites, it must be scored using the non-fixed site scoring method.

D. Selection Process

1. Grants. Applications are ranked by final score, and by application purpose (education or medical). Rural Development selects applications based on those rankings, subject to the availability of funds. Rural Development may allocate grant awards between medical and educational purposes, but is not required to do so. In addition, Rural Development has the authority to limit the number of applications selected in any one state, or for one project, during a fiscal year. See 7 CFR 1703.127.

2. Combination loan-grants and loans

a. Combination loan-grant applications and loan applications are evaluated on the basis of technical, financial, economic and other criteria.

b. Rural Development evaluates applications' financial feasibility using the following information. Please see paragraph IV.C.2. of this Notice for the items that constitute a completed combination loan-grant or loan application. Also, see 7 CFR part 1703 subpart F for combination loan-grants and 7 CFR part 1703 subpart G for loans:

(1) Applicant's financial ability to complete the project;

(2) Project feasibility;

(3) Applicant's financial information;

(4) Project sustainability;

(5) Ability to repay the loan portion of a combination loan-grant, including revenue sources;

(6) Collateral for which the applicant has perfected a security interest; and

(7) Adequate security for a loan or the loan portion of a combination loan-grant.

(c) The following project and application characteristics are also evaluated:

(1) Services to be provided by the project.

(2) Project cost.

(3) Project design.

(4) Rurality of the proposed service area. Please see paragraph III.B.4. of this Notice for information on determining rurality.

(5) Other characteristics.

(d) Selection process. Based on the review standards listed above and in the DLT Program regulation, THE AGENCY will process successful combination loan-grant and loan applications on a first-in, first-out basis, dependent upon the availability of funds. Please see 7 CFR 1703.135 for combination loan-grant application processing and selection; and 7 CFR 1703.145 for loan application processing and selection.

VI. Award Administration Information

A. Award Notices

Rural Development generally notifies applicants whose projects are selected for awards by faxing an award letter. Rural Development follows the award letter with an agreement that contains all the terms and conditions for the grant, combination loan-grant or loan. Rural Development recognizes that each funded project is unique, and therefore may attach conditions to different projects' award documents. An applicant must execute and return the agreement, accompanied by any additional items required by the agreement, within the number of days of the shown in the selection notice letter.

B. Administrative and National Policy Requirements: The items listed in Section IV of this notice, and the DLT Program regulation, FY 2008 application guide and accompanying materials implement the appropriate administrative and national policy requirements.

C. Reporting

1. *Performance reporting.* All recipients of DLT financial assistance must provide annual performance activity reports to Rural Development until the project is complete and the funds are expended. A final performance report is also required; the final report may serve as the last annual report. The final report must include an evaluation of the success of the project in meeting DLT Program objectives. See 7 CFR 1703.107.

2. *Financial reporting.* All recipients of DLT financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. Audits are governed by United States Department of Agriculture audit regulations. Please see 7 CFR 1703.108.

3. *Record keeping and Accounting.* The loan, or grant contract will contain provisions relating to record keeping and accounting requirements.

VII. Agency Contacts

A. Web site: *http://www.usda.gov/rus/telecom/dlt/dlt.htm.* The DLT Web site maintains up-to-date resources and contact information for DLT programs.

B. Phone: 202–720–0413.

C. Fax: 202–720–1051.

D. E-mail: *dltinfo@usda.gov.*

E. Main point of contact: Director, Advanced Services Division, Telecommunications Program, Rural Development Utilities Programs, United States Department of Agriculture.

Dated: January 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8–1378 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant and Loan Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development, announces its Revolving Fund Program (RFP) application window for Fiscal Year (FY) 2008. In addition to announcing the application window, Rural Development announces the available funding and maximum amounts for RFP competitive grants for the fiscal year.

The RFP is authorized under the 2002 Farm Bill (the Farm Security and Rural Investment Act of 2002), Public Law 107–171. Qualified private non-profit organizations will receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be the same entities eligible to obtain a loan, loan guarantee, or grant from the Rural Development Utilities Programs Water and Waste Disposal loan and grant programs.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must be postmarked and mailed, shipped, or sent overnight *no later* than March 28, 2008 to be eligible for FY 2008 grant funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.
- Electronic copies must be received by March 28, 2008 to be eligible for FY 2008 grant funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.

ADDRESSES: You may obtain application guides and materials for the RFP program at the Water and Environmental Programs (WEP) Web site: *http://www.usda.gov/rus/water/index.htm.* You may also request application guides and materials by contacting Anita O'Brien at (202) 690–3789.

Submit completed paper applications for RFP grants to the Rural Development Utilities Programs, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 2233, STOP 1570, Washington, DC 20250–1570. Applications should be marked ''Attention: Assistant Administrator, Water and Environmental Programs.''

Submit electronic grant applications at *http://www.grants.gov* (*Grants.gov*) and follow the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Anita O'Brien, Loan Specialist, U.S. Department of Agriculture, Rural Development Utilities Programs, Water and Environmental Programs; telephone: (202) 690–3789, fax: (202) 690–0649.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Grant Program to Establish a Fund for Financing Water and Wastewater Projects (Revolving Fund Program (RFP)).

Announcement Type: Funding Level Announcement, and Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.864.

Dates: You may submit completed application for a RFP grant no later than March 28, 2008.

Reminder of competitive grant application deadline: Applications must be mailed, shipped or submitted electronically through *Grants.gov* no later than March 28, 2008 to be eligible for FY 2008 grant funding.

Items in Supplementary Information

I. *Funding Opportunity:* Brief introduction to the RFP.

II. *Award Information:* Available funds, maximum amounts.

III. *Eligibility Information:* Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. *Application and Submission Information:* Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. *Application Review Information:* Considerations and preferences, scoring criteria, review standards, selection information.

VI. *Award Administration Information:* Award notice information, award recipient reporting requirements.

VII. *Agency Contacts:* Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

Drinking water systems are basic and vital to both health and economic development. With dependable water facilities, rural communities can attract families and businesses that will invest in the community and improve the quality of life for all residents. Without dependable water facilities, the communities cannot sustain economic development.

Rural Development provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need. It supports the sound development of rural communities and the growth of our economy without endangering the environment.

The Revolving Fund (RFP) Grant Program has been established to assist communities with water or wastewater systems. Qualified private non-profit organizations will receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be the same entities eligible to obtain a loan, loan guarantee, or grant from the Water and Waste Disposal loan and grant programs administered by Rural Development. As grant recipients, the non-profit organizations will set up a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems. The amount of financing to an eligible entity shall not exceed $100,000.00 and shall be repaid in a term not to exceed 10 years. The rate shall be determined in the approved grant work plan.

II. Award Information

Available funds: Rural Development is making available $496,500 for competitive grants in FY 2008.

III. Eligibility Information

A. Who is eligible to apply?

An applicant is eligible to apply for the RFP grant if it:

1. Is a private, non-profit organization that has tax-exempt status from the United States Internal Revenue Service (IRS);

2. Is legally established and located within one of the following:

(a) A state within the United States;

(b) The District of Columbia;

(c) The Commonwealth of Puerto Rico; or

(d) A United States territory;

3. Has the legal capacity and authority to carry out the grant purpose;

4. Has a proven record of successfully operating a revolving loan fund to rural areas;

5. Has capitalization acceptable to the Agency, and is composed of at least 51 percent of the outstanding interest or membership being citizens of the United States or individuals who reside in the United States after being legally admitted for permanent residence;

6. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt;

7. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements.

B. What are the basic eligibility requirements for a project?

1. The following activities are authorized under the RFP statute:

(a) Grant funds must be used to capitalize a revolving fund program for the purpose of providing direct loan financing to Ultimate Recipients for pre-development costs associated with proposed or with existing water and wastewater systems, or,

(b) Short-term costs incurred for equipment replacement, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

2. Grant funds may not be used to pay any of the following:

(a) Payment of the Intermediary's administrative costs or expenses, and,

(b) Delinquent debt owed to the Federal Government.

IV. Application and Submission Information

A. The grant application guide, copies of necessary forms and samples, and the RFP regulation are available from these sources:

1. *The Internet: http://www.usda.gov/rus/water/index.htm* or *http://www.grants.gov*.

2. For paper copies of these materials telephone (202) 690–3789.

B. You may file an application in either paper or electronic format.

1. Applications submitted by paper:

(a) Send or deliver paper applications by the U.S. Postal Service (USPS) or courier delivery services to: Assistant Administrator-Water and Environmental Programs, Rural Development Utilities Programs, 1400 Independence Avenue, SW., STOP 1548, Room S–5145, Washington, DC 20250–1548.

(b) For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date. The application and any materials sent with it become Federal records by law and cannot be returned to you.

2. Electronically submitted applications:

(a) For electronic applications you must file through Grants.gov, the official Federal Government Web site at *http://www.grants.gov*. You must be registered with Grants.gov before you can submit a grant application. If you have not used Grants.gov before, you will need to register with the Central Contractor Registry (CCR) and the Credential Provider. You will need a DUNS number to access or register at any of the services. The registration processes may take several business days to complete. Follow the instructions at Grants.gov for registering and submitting an electronic application. Rural Development may request original signatures on electronically submitted documents later.

(b) The CCR registers your organization, housing your organizational information and allowing Grants.gov to use it to verify your identity. You may register for the CCR by calling the CCR Assistance Center at 1–888–227–2423 or, you may register online at *http://www.ccr.gov*.

(c) The Credential Provider gives you or your representative a username and password, as part of the Federal Government's e-Authentication to ensure a secure transaction. You will need the username and password when you register with Grants.gov or use Grants.gov to submit your application. You must register with the Central

Provider through Grants.gov at the following Web address: *https://apply.grants.gov/OrcRegister*.

(d) *DUNS Number:* Whether you file a paper or an electronic application, you will need a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number. You must provide your DUNS number on the SF–424, ''Application for Federal Assistance.'' To verify that your organization has a DUNS number or to receive one at no cost, call the dedicated toll-free request line at 1–866–705–5711 or access the Web site at *http://www.dunandbradstreet.com*. The following information is needed when requesting a DUNS number:

(1) Legal Name.

(2) Headquarters name and address of the organization.

(3) Doing business as (dba) or other name by which the organization is commonly recognized.

(4) Physical address.

(5) Mailing address (if separate from headquarters and/or physical address).

(6) Telephone number.

(7) Contact name and title.

(8) Number of employees at the physical location.

(e) Rural Development will not accept applications by fax or e-mail.

C. A complete application must meet the following requirements:

1. To be considered for support, you must be an eligible entity and must submit a complete application by the deadline date. You should consult the cost principles and general administrative requirements for grants pertaining to their organizational type in order to prepare the budget and complete other parts of the application. You also must demonstrate compliance (or intent to comply), through certification or other means, with a number of public policy requirements.

2. Applicants must complete and submit the following forms to apply for a RFP grant:

(a) Standard Form 424, ''Application for Federal Assistance.''

(b) Standard Form 424A, ''Budget Information—Non-Construction Programs.''

(c) Standard Form 424B, ''Assurances—Non-Construction Programs.''

(d) Standard Form LLL, ''Disclosure of Lobbying Activity.''

(e) Form RD 400–1, ''Equal Opportunity Agreement.''

(f) Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).

3. The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of how the loan program will work. Explain what you will accomplish by lending funds to eligible entities. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should cover the following elements:

(a) Present a brief project overview. Explain the purpose of the project, how it relates to Rural Development's purposes, how you will carry out the project, what the project will produce, and who will direct it.

(b) Describe why the project is necessary. Demonstrate that eligible entities need loan funds. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Address community needs.

(c) Clearly state your project goals. Your objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the loan program.

(d) The narrative should cover in more detail the items briefly described in the Project Summary. It should establish the basis for any claims that you have substantial expertise in promoting the safe and productive use of revolving funds. In describing what the project will achieve, you should tell the reader if it also will have broader influence. The narrative should address the following points:

(1) Document your ability to administer and service a revolving fund in accordance with the provisions of 7 CFR part 1783.

(2) Document that, to establish the revolving fund, you can commit financial resources your organization controls. This documentation should describe the sources of funds other than the RFP grant that will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that you have secured commitments of significant financial support from other funding sources, if appropriate.

(4) List the fees and charges that borrowers will be assessed.

(e) The work plan must describe the tasks and activities that will be accomplished with available resources during the grant period. It must show the work you plan to do to achieve the anticipated outcomes, goals, and objectives set out for the RFP. The plan must:

(1) Describe the work to be performed by each person.

(2) Give a schedule or timetable of work to be done.

(3) Show evidence of previous experience with the techniques to be used or their successful use by others.

(4) Outline the loan program to include the following: specific loan purposes, a loan application process; priorities, borrower eligibility criteria, limitations, fees, interest rates, terms, and collateral requirements.

(5) Provide a marketing plan.

(6) Explain the mechanics of how you will transfer loan funds to the borrowers.

(7) Describe follow-up or continuing activities that should occur after project completion such as monitoring and reporting borrowers' accomplishments.

(8) Describe how the results will be evaluated. The evaluation criteria should be in line with the project objectives.

(9) List all personnel responsible for administering this program along with a statement of their qualifications and experience.

(f) The written justification for projected costs should explain how budget figures were determined for each category. It should indicate which costs are to be covered by grant funds and which costs will be met by your organization or other organizations. The justification should account for all expenditures discussed in the narrative. It should reflect appropriate cost-sharing contributions. The budget justification should explain the budget and accounting system proposed or in place. The administrative costs for operating the budget should be expressed as a percentage of the overall budget. The budget justification should provide specific budget figures, rounding off figures to the nearest dollar. Applicants should consult OMB Circular A–122: ''Cost Principles for Non-Profit Organizations'' for information about appropriate costs for each budget category.

(g) In addition to completing the standard application forms, you must submit:

1. Supplementary material that demonstrate that your organization is legally recognized under state and Federal law. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, or copies of state statutes or laws establishing your organization. Letters from the IRS awarding tax-exempt status are not considered adequate evidence.

2. A certified list of directors and officers with their respective terms.

3. Evidence of tax exempt status from the IRS.

4. Debarment and suspension information required in accordance with 7 CFR, part 3017, subpart 3017.335, if it applies. The section heading is ''What information must I provide before entering into a covered transaction with the Department of Agriculture?'' It is part of the Department of Agriculture's rules on Government-wide Debarment and Suspension.

5. All of your organization's known workplaces by including the actual address of buildings (or parts of buildings) or other sites where work under the award takes place. Workplace identification is required under the drug-free workplace requirements in accordance with 7 CFR, part 3021, subpart 3021.230. The section heading is ''How and when must I identify workplaces?'' It is part of the Department of Agriculture's rules on Government-wide Requirements for Drug-Free Workplace (Financial Assistance).

6. The most recent audit of your organization.

7. The following financial statements:

i. A pro forma balance sheet at start-up and for at least three additional years; Balance sheets, income statements, and cash flow statements for the last three years.

ii. If your organization has been formed less than three years, the financial statements should be submitted for the periods from inception to the present. Projected income and cash flow statements for at least three years supported by a list of assumptions showing the basis for the projections. The projected income statement and balance sheet must include one set of projections that shows the revolving loan fund only and a separate set of projections that shows your organization's total operations.

8. Additional information to support and describe your plan for achieving the grant objectives. The information may be regarded as essential for understanding and evaluating the project such as letters of support, resolutions, policies, etc. The supplements may be presented in appendices to the proposal.

V. Application Review Information

A. Within 30 days of receiving your application, Rural Development will send you a letter of acknowledgment. Your application will be reviewed for completeness to determine if you included all of the items required. If your application is incomplete or ineligible, Rural Development will return it to you with an explanation.

B. A review team, composed of at least two members, will evaluate all applications and proposals. They will make overall recommendations based on factors such as eligibility, application completeness, and conformity to application requirements. They will score the applications based on criteria in the next section.

C. All applications that are complete and eligible will be ranked competitively based on the following scoring criteria:

Scoring criteria	Points
1. Degree of expertise and successful experience in making and servicing commercial loans, with a successful record.	Up to 30 points.
2. Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a RFP grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the RFP grant and points corresponding to such percentages are as follows:	
Less than 20 percent	Ineligible.
At least 20 percent but not more than 49 percent of the total project costs	10 points.
At least 50 percent of the total project costs	20 points.
3. Extent to which the work plan clearly articulates a well thought out approach to accomplishing objectives; clearly defines who will be served by the project or program; and includes all components listed in 1783.37(b)(14).	Up to 40 points.
4. Description of the service area, particularly the range of the area:	
State	10 points.
Regional	15 points.
National	20 points.
5. Extent to which the problem or issue being addressed in the Needs Assessment is defined clearly and supported by data.	Up to 15 points.
6. Extent to which the goals and objectives are clearly defined, tied to the need as defined in the Needs Assessment, and are measurable.	Up to 15 points.
7. Extent to which the evaluation methods are specific to the program, clearly defined, measurable, with expected program outcomes.	Up to 20 points.
8. Administrator's discretion, taking into consideration such factors as: Creative outreach ideas for marketing RFP loans; Amount of funds requested in relation to the amount of needs demonstrated in the proposal; Excellent utilization of a previous revolving loan fund; and, Optimizing the use of agency resources.	Up to 10 points.

VI. Award Administration Information

A. Rural Development will rank all qualifying applications by their final score. Applications will be selected for funding, based on the highest scores and the availability of funding for RFP grants. Each applicant will be notified in writing of the score its application receives.

B. In making its decision about your application, Rural Development may determine that your application is:

1. Eligible and selected for funding,

2. Eligible but offered fewer funds than requested,

3. Eligible but not selected for funding, or

4. Ineligible for the grant.

C. In accordance with 7 CFR Part 1900, subpart B, you generally have the right to appeal adverse decisions. Some adverse decisions cannot be appealed. For example, if you are denied Rural Development funding due to a lack of funds available for the grant program, this decision cannot be appealed. However, you may make a request to the National Appeals Division (NAD) to

review the accuracy of our finding that the decision cannot be appealed. The appeal must be in writing and filed at the appropriate Regional Office, which can be found at *http://www.nad.usda.gov/offices.htm* or by calling (703) 305–1166.

D. Applicants selected for funding will complete a grant agreement, which outlines the terms and conditions of the grant award.

E. Grantees will be reimbursed as follows:

1. SF–270, ''Request for Advance or Reimbursement,'' will be completed by the grantee and submitted to either the State or National Office not more frequently than monthly.

2. Upon receipt of a properly completed SF–270, the funds will be requested through the field office terminal system. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

3. Grantees are encouraged to use women- and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members) for the deposit and disbursement of funds.

F. Any change in the scope of the project, budget adjustments of more than 10 percent of the total budget, or any other significant change in the project must be reported to and approved by the approval official by written amendment to the grant agreement. Any change not approved may be cause for termination of the grant.

G. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. The Grantee will provide project reports as follows:

1. SF–269, ''Financial Status Report (short form),'' and a project performance activity report will be required of all grantees on a quarterly basis, due 30 days after the end of each quarter.

2. A final project performance report will be required with the last SF–269 due 90 days after the end of the last quarter in which the project is completed. The final report may serve as the last quarterly report.

3. All multi-State grantees are to submit an original of each report to the National Office. Grantees serving only one State are to submit an original of each report to the State Office. The project performance reports should detail, preferably in a narrative format, activities that have transpired for the specific time period.

H. The grantee will provide an audit report or financial statements as follows:

1. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

2. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

VII. Agency Contacts

A. *Web site: http://www.usda.gov/rus/water.* The Rural Development Utilities Programs Web site maintains up-to-date resources and contact information for the RFP.

B. *Phone:* 202–690–3789.

C. *Fax:* 202–690–0649.

D. *E-mail: anita.obrien@wdc.usda.gov.*

E. *Main point of contact:* Anita O'Brien, Loan Specialist, Water and Environmental Programs, Water Programs Division, Rural Development Utilities Programs, U.S. Department of Agriculture.

Dated: January 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8–1376 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funds availability and solicitation of applications.

SUMMARY: The Rural Utilities Service (RUS), an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development, announces its Community Connect Grant Program application window for Fiscal Year (FY) 2008. In addition, Rural Development announces the minimum and maximum amounts for Community Connect grants applicable for the fiscal year. The Community Connect Grant Program regulations can be found at 7 CFR part 1739, subpart A.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must carry proof of shipping *no later* than March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.
- Electronic copies must be received by March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.

ADDRESSES: You may obtain application guides and materials for the Community Connect Grant Program via the Internet at the following Web site: *http://www.usda.gov/rus/telecom/commconnect.htm.* You may also request application guides and materials from Rural Development by contacting the appropriate individual listed in section VII of the **SUPPLEMENTARY INFORMATION** section of this notice.

Submit completed paper applications for grants to the Rural Development Utilities Program, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 2870, STOP 1599, Washington, DC 20250–1599. Applications should be marked ''Attention: Director, Broadband Division, Rural Development Utilities Program.''

Submit electronic grant applications at *http://www.grants.gov* (Grants.gov), following the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Kenneth Kuchno, Director, Broadband Division, Rural Development Utilities Program, U.S. Department of Agriculture, telephone: (202) 690–4673, fax: (202) 690–4389.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Community Connect Grant Program.

Announcement Type: Initial announcement.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.863.

Dates: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must carry proof of shipping no later than March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.
- Electronic copies must be received by March 28, 2008 to be eligible for FY 2008 grant funding. Late applications

are not eligible for FY 2008 grant funding.

Items in Supplementary Information

I. *Funding Opportunity:* Brief introduction to the Community Connect Grant Program.
II. *Award Information:* Available funds and minimum and maximum amounts.
III. *Eligibility Information:* Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.
IV. *Application and Submission Information:* Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.
V. *Application Review Information:* Considerations and preferences, scoring criteria, review standards, selection information.
VI. *Award Administration Information:* Award notice information, award recipient reporting requirements.
VII. *Agency Contacts:* Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

The provision of broadband transmission service is vital to the economic development, education, health, and safety of rural Americans. The purpose of the Community Connect Grant Program is to provide financial assistance in the form of grants to eligible applicants that will provide currently unserved areas, on a ''community-oriented connectivity'' basis, with broadband transmission service that fosters economic growth and delivers enhanced educational, health care, and public safety services. Rural Development will give priority to rural areas that it believes have the greatest need for broadband transmission services, based on the criteria contained herein.

Grant authority will be used for the deployment of broadband transmission service to extremely rural, lower-income communities on a ''community-oriented connectivity'' basis. The ''community-oriented connectivity'' concept will stimulate practical, everyday uses and applications of broadband facilities by cultivating the deployment of new broadband transmission services that improve economic development and provide enhanced educational and health care opportunities in rural areas. Such an approach will also give rural communities the opportunity to benefit from the advanced technologies that are necessary to achieve these goals. Please see 7 CFR part 1739, subpart A for specifics.

This notice has been formatted to conform to a policy directive issued by the Office of Federal Financial Management (OFFM) of the Office of Management and Budget (OMB), published in the **Federal Register** on June 23, 2003. This Notice does not change the Community Connect Grant Program regulation (7 CFR 1739, subpart A).

II. Award Information

A. Available Funds

1. *General.* The Administrator has determined that the following amounts are available for grants in FY 2008 under 7 CFR 1739.2(a).

2. *Grants.*

a. $13,405,500 is available for grants. Under 7 CFR 1739.2, the Administrator has established a minimum grant amount of $50,000 and a maximum grant amount of $1,000,000 for FY 2008.

b. *Assistance instrument:* Rural Development will execute grant documents appropriate to the project prior to any advance of funds with successful applicants.

B. Community Connect grants cannot be renewed. Award documents specify the term of each award. Applications to extend existing projects are welcomed (grant applications must be submitted during the application window) and will be evaluated as new applications.

III. Eligibility Information

A. Who is eligible for grants? (See 7 CFR 1739.10.)

1. Only entities legally organized as one of the following are eligible for Community Connect Grant Program financial assistance:

a. An incorporated organization,

b. An Indian tribe or tribal organization, as defined in 25 U.S.C. 450b(b) and (c),

c. A state or local unit of government,

d. A cooperative, private corporation or limited liability company organized on a for-profit or not-for-profit basis.

2. Individuals are not eligible for Community Connect Grant Program financial assistance directly.

3. Applicants must have the legal capacity and authority to own and operate the broadband facilities as proposed in its application, to enter into contracts and to otherwise comply with applicable federal statutes and regulations.

B. What are the basic eligibility requirements for a project?

1. Required matching contributions. Please see 7 CFR 1739.14 for the requirement. Grant applicants must demonstrate a matching contribution, in cash or in kind (new, non-depreciated items), of at least fifteen (15) percent of the total amount of financial assistance requested. Matching contributions must be used for eligible purposes of Community Connect grant assistance (see 7 CFR 1739.12).

2. To be eligible for a grant, the Project must (see 7 CFR 1739.11):

a. Serve a Rural Area where Broadband Transmission Service does not currently exist, to be verified by Rural Development prior to the award of the grant;

b. Serve one Community recognized in the latest U.S. Census or the latest version of the Rand McNally Atlas;

c. Deploy Basic Broadband Transmission Service, free of all charges for at least 2 years, to all Critical Community Facilities located within the proposed Service Area;

d. Offer Basic Broadband Transmission Service to residential and business customers within the proposed Service Area; and

e. Provide a Community Center with at least ten (10) Computer Access Points within the proposed Service Area, and make Broadband Transmission Service available therein, free of all charges to users for at least 2 years.

C. See paragraph IV.B of this notice for a discussion of the items that make up a completed application. You may also refer to 7 CFR 1739.15 for completed grant application items.

IV. Application and Submission Information

A. Clarifications to Requirements for FY 2008

1. Rural Development clarifies that the definition of ''Critical Community Facilities'' includes the mandatory Community Center.

2. For all funding commitments, including all matching fund commitments and commitments made by the applicant, that are required to complete the Project in addition to the Rural Development grant, evidence must be submitted demonstrating that funding arrangements have been obtained. If the appropriate funding commitments are not included in the application, the application will be deemed ineligible for consideration. This evidence must:

a. Clearly state the name of the entity that is making the commitment;

b. The amount of the commitment; and

c. The purpose of commitment.

3. Rural Development clarifies that in order to qualify as eligible costs for grant coverage or matching fund contributions, operating expenses incurred in providing Broadband Transmission Service to Critical Community Facilities for the first 2 years of operation and in providing training and instruction must be for the

following purposes subject to the specified maximum amounts:

a. Salary for operations manager, not to exceed $30,000 per year.

b. Salary for technical support staff, not to exceed $30,000 per year.

c. Salary for community center staff, not to exceed $25,000 per year.

d. Bandwidth expenses, not to exceed $25,000 per year.

e. Training courses on the use of the Internet, not to exceed $15,000 per year.

The operating costs to be funded by the grant or used as matching contributions cannot exceed in the aggregate $250,000. No other operating expenses are eligible for grant funding or to be considered as matching funds.

4. Community means any incorporated or unincorporated town, village, or borough recognized in the latest decennial census as published by the Bureau of the Census or in the most recent edition of a Rand McNally Atlas that is located in a Rural Area.

5. Rural Development clarifies that the economic need of the applicant's service territory will be based on the median household income (MHI) for the Community serviced and the state in which the Community is located, as determined by the U.S. Bureau of the Census at *http://factfinder.census.gov*. If the community was qualified using the Rand McNally Atlas, the applicant must use the MHI, contained in the latest decennial census, of the county in which the Community resides as the Community MHI. The economic need will no longer be based on the Per Capita Personal Income of the community.

B. *Where to get application information.* The application guide, copies of necessary forms and samples, and the Community Connect Grant Program regulation are available from these sources:

1. The Internet: *http://www.usda.gov/rus/telecom/commconnect.htm,* or *http://www.grants.gov*.

2. The Rural Development Broadband Division, for paper copies of these materials: (202) 690–4673.

B. What constitutes a completed application?

1. Detailed information on each item required can be found in the Community Connect Grant Program regulation and the Community Connect Grant Program application guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide. This Notice does not change the requirements for a completed application for any form of Community Connect Grant Program financial assistance specified in the Community Connect Grant Program regulation. The Community Connect Grant Program regulation and the application guide provide specific guidance on each of the items listed and the Community Connect Grant Program application guide provides all necessary forms and sample worksheets.

2. Applications should be prepared in conformance with the provisions in 7 CFR part 1739, subpart A, and applicable USDA regulations including 7 CFR parts 3015, 3016, and 3019. Applicants must use the Rural Development Application Guide for this program containing instructions and all necessary forms, as well as other important information, in preparing their application. Completed applications must include the following:

a. *An Application for Federal Assistance.* A completed Standard Form (SF) 424.

b. *An executive summary of the Project.* The applicant must provide Rural Development with a general project overview.

c. *Scoring criteria documentation.* Each grant applicant must address and provide documentation on how it meets each of the scoring criteria detailed 7 CFR 1739.17.

d. *System design.* The applicant must submit a system design, including, narrative specifics of the proposal, associated costs, maps, engineering design studies, technical specifications and system capabilities, etc.

e. *Scope of work.* The scope of work must include specific activities and services to be performed under the proposal, who will carry out the activities and services, specific time-frames for completion, and a budget for all capital and administrative expenditures reflecting the line item costs for all grant purposes, the matching contribution, and other sources of funds necessary to complete the project.

f. *Community-Oriented Connectivity Plan.* The applicant must provide a detailed Community-Oriented Connectivity Plan.

g. *Financial information and sustainability.* The applicant must provide financial statements and information and a narrative description demonstrating the sustainability of the Project.

h. *A statement of experience.* The applicant must provide a written narrative describing its demonstrated capability and experience, if any, in operating a broadband telecommunications system.

i. *Evidence of legal authority and existence.* The applicant must provide evidence of its legal existence and authority to enter into a grant agreement with RUS and to perform the activities proposed under the grant application.

j. *Funding commitment from other sources.* If the Project requires additional funding from other sources in addition to the Rural Development grant, the applicant must provide evidence that funding agreements have been obtained to ensure completion of the Project.

k. *Compliance with other federal statutes.* The applicant must provide evidence of compliance with other federal statutes and regulations, including, but not limited to the following:

(i) 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

(ii) 7 CFR part 3015—Uniform Federal Assistance Regulations.

(iii) 7 CFR part 3017—Governmentwide Debarment and Suspension (Non-procurement).

(iv) 7 CFR part 3018—New Restrictions on Lobbying.

(v) 7 CFR part 3021—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

(vi) Certification regarding Architectural Barriers.

(vii) Certification regarding Flood Hazard Precautions.

(viii) An environmental report, in accordance with 7 CFR part 1794.

(ix) Certification that grant funds will not be used to duplicate lines, facilities, or systems providing Broadband Transmission Service.

(x) Federal Obligation Certification on Delinquent Debt.

3. DUNS Number. As required by the OMB, all applicants for grants must now supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying. The SF–424 contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see the Community Connect Web site or Grants.gov for more information on how to obtain a DUNS number or how to verify your organization's number.

C. How many copies of an application are required?

1. *Applications submitted on paper:* Submit the original application and two (2) copies to Rural Development.

2. *Electronically submitted applications:* The additional paper copies are not necessary if you submit the application electronically through *Grants.gov*.

D. How and Where to Submit an Application

Grant applications may be submitted on paper or electronically.

1. Submitting applications on paper.

a. Address paper applications for grants to the Rural Development, Utilities Program, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 2868, STOP 1599, Washington, DC 20250–1599. Applications should be marked ''Attention: Director, Broadband Division, Rural Development Utilities Program.''

b. Paper applications must show proof of mailing or shipping consisting of one of the following:

(i) A legibly dated U.S. Postal Service (USPS) postmark;

(ii) A legible mail receipt with the date of mailing stamped by the USPS; or

(iii) A dated shipping label, invoice, or receipt from a commercial carrier.

c. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents. Rural Development encourages applicants to consider the impact of this procedure in selecting their application delivery method.

2. Electronically submitted applications.

a. Applications will not be accepted via facsimile machine transmission or electronic mail.

b. Electronic applications for grants will be accepted if submitted through the Federal government's *Grants.gov* initiative at *http://www.grants.gov*.

c. How to use *Grants.gov*:

(i) Navigate your Web browser to *http://www.grants.gov.*

(ii) Follow the instructions on that Web site to find grant information.

(iii) Download a copy of the application package.

(iv) Complete the package off-line.

(v) Upload and submit the application via the *Grants.gov* Web site.

d. *Grants.gov* contains full instructions on all required passwords, credentialing and software.

e. Rural Development encourages applicants who wish to apply through *Grants.gov* to submit their applications in advance of the deadline.

f. If a system problem occurs or you have technical difficulties with an electronic application, please use the customer support resources available at the *Grants.gov* Web site.

E. Deadlines

1. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.

2. Electronic grant applications must be received by March 28, 2008 to be eligible for FY 2008 funding. Late applications are not eligible for FY 2008 grant funding.

F. Funding Restrictions

1. *Eligible grant purposes.* Grant funds may be used to finance:

a. The construction, acquisition, or leasing of facilities, including spectrum, to deploy Broadband Transmission Service to all participating Critical Community Facilities and all required facilities needed to offer such service to residential and business customers located within the proposed Service Area;

b. The improvement, expansion, construction, or acquisition of a Community Center that furnishes free access to broadband Internet service, provided that the Community Center is open and accessible to area residents before, during, and after normal working hours and on Saturday or Sunday. Grant funds provided for such costs shall not exceed the greater of five percent (5%) of the grant amount requested or $100,000;

c. End-User Equipment needed to carry out the Project;

d. Operating expenses incurred in providing Broadband Transmission Service to Critical Community Facilities for the first 2 years of operation and in providing training and instruction; and

e. The purchase of land, buildings, or building construction needed to carry out the Project.

2. *Ineligible grant purposes.*

a. Grant funds may not be used to finance the duplication of any existing Broadband Transmission Service provided by another entity.

b. Facilities financed with grant funds cannot be utilized, in any way, to provide local exchange telecommunications service to any person or entity already receiving such service.

3. Please see 7 CFR 1739.3 for definitions, 7 CFR 1739.12 for eligible grant purposes, and 7 CFR 1739.13 for ineligible grant purposes.

V. Application Review Information

A. Criteria

1. Grant applications are scored competitively and subject to the criteria listed below.

2. Grant application scoring criteria (total possible points: 100) See 7 CFR 1739.17 for the items that will be reviewed during scoring and for scoring criteria.

a. The rurality of the Project (up to 40 points);

b. The economic need of the Project's Service Area (up to 30 points); and

c. The ''community-oriented connectivity'' benefits derived from the proposed service (up to 30 points).

B. Review Standards

1. All applications for grants must be delivered to Rural Development at the address and by the date specified in this notice (see also 7 CFR 1739.2) to be eligible for funding. Rural Development will review each application for conformance with the provisions of this part. Rural Development may contact the applicant for additional information or clarification.

2. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

3. Applications conforming with this part will then be evaluated competitively by a panel of Rural Development employees selected by the Administrator of Rural Development Utilities Program, and will be awarded points as described in the scoring criteria in 7 CFR 1739.17. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

4. Regardless of the score an application receives, if Rural Development determines that the Project is technically or financially infeasible, Rural Development will notify the applicant, in writing, and the application will be returned with no further action.

C. Selection Process

Grant applications are ranked by final score. Rural Development selects applications based on those rankings, subject to the availability of funds.

VI. Award Administration Information

A. Award Notices

Rural Development recognizes that each funded project is unique, and therefore may attach conditions to different projects' award documents. Rural Development generally notifies applicants whose projects are selected for awards by faxing an award letter. Rural Development follows the award letter with a grant agreement that contains all the terms and conditions for the grant. An applicant must execute and return the grant agreement, accompanied by any additional items required by the grant agreement.

B. Administrative and National Policy Requirements

The items listed in paragraph IV.B.2.k of this notice, and the Community Connect Grant Program regulation, application guide and accompanying materials implement the appropriate administrative and national policy requirements.

C. Reporting

1. *Performance reporting.* All recipients of Community Connect Grant Program financial assistance must provide annual performance activity reports to Rural Development until the project is complete and the funds are expended. A final performance report is also required; the final report may serve as the last annual report. The final report must include an evaluation of the success of the project. See 7 CFR 1739.19.

2. *Financial reporting.* All recipients of Community Connect Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. Audits are governed by United States Department of Agriculture audit regulations. Please see 7 CFR 1739.20.

VII. Agency Contacts

A. *Web site: http://www.usda.gov/rus/commconnect.htm.* This Web site maintains up-to-date resources and contact information for the Community Connect Grant Program.

B. Phone: 202–690–4673.

C. Fax: 202–690–4389.

D. *Main point of contact:* Kenneth Kuchno, Director, Broadband Division, Rural Development Utilities Program, U.S. Department of Agriculture.

Dated: January 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8–1375 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability.

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or Agency, announces its Public Television Digital Transition Grant Program application window for Fiscal Year (FY) 2008. In addition to announcing the application window, Rural Development announces the available funding and maximum amounts for the Public Television Station Digital Transition Grant Program competitive grants for the fiscal year.

The Public Television Digital Transition Grant Program is authorized through the Distance Learning and Telemedicine Grant Program. Funds from the Public Television Digital Transition Grant Program are awarded to public television stations which are a noncommercial educational television broadcast station that qualify for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934. These grants enable public television stations in rural areas to replace current analog television broadcasting equipment with digital television broadcasting equipment as part of the national transition to digital television service.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must carry proof of shipping *no later* than March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.
- Electronic copies must be received by March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.

ADDRESSES: You may obtain the application guide and materials for the Public Television Station Digital Transition Grant Program via the Internet at the following Web site: *http://www.usda.gov/rus/telecom/*. You may also request the application guide and materials from the Agency by contacting the appropriate individual listed in section VII of the **SUPPLEMENTARY INFORMATION** section of this notice.

- Submit completed paper applications for grants to the United States Department of Agriculture, Rural Development Utilities Programs, Telecommunications Program, 1400 Independence Ave., SW., Room 2844, STOP 1550, Washington, DC 20250–1550. Applications should be marked ''Attention: Gary B. Allan, Chief, Universal Services Branch, Advanced Services Division.''
- Submit electronic grant applications to Grants.gov at the following Web address: *http://www.grants.gov/* (Grants.gov), and follow the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Gary B. Allan, Chief, Universal Services Branch, Advanced Services Division, United States Department of Agriculture Rural Development Utilities Programs, Telecommunications Program, telephone: (202) 690–4493, fax: (202) 720–1051.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Public Television Station Digital Transition Grant Program.

Announcement Type: Initial announcement.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.861.

Dates: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must carry proof of shipping no later than March 28, 2008, to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.
- Electronic copies must be received by March 28, 2008, to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.

Items in Supplementary Information:

I. Funding Opportunity: Brief introduction to the Public Television Station Digital Transition Grant Program.

II. Award Information: Available funds and maximum amounts.

III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

VI. Award Administration Information: Award notice information, award recipient reporting requirements.

VII. Agency Contacts: Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

As part of the nation's transition to digital television, the Federal Communications Commission (FCC) requires all television broadcasters to

begin broadcasting using digital signals, and to cease analog broadcasting, by February 17, 2009. This exciting step forward in broadcast television will bring more lifelike picture and sound, and more viewing choice, into urban and suburban homes across America. For rural households the digital transition could bring the end of over-the-air public television service. These rural households are the focus of the Rural Development Public Television Station Digital Transition Grant Program.

Most applications to the Public Television Station Digital Transition Grant Program have sought assistance towards the goal of digitally replicating analog coverage areas through transmitter and translator transitions. The first priority has been to initiate digital broadcasting from their main transmitters. As many stations have transitioned their transmitters, the focus has shifted to power upgrades and translators, as well as digital program production equipment and multicasting and datacasting equipment. In FY 2007 awards were made for a transmitter transition, transmitter power maximization, translators, master control equipment, and production equipment. When compared to previous years, as the digital transition progresses, more applications were received for translators and master control and production equipment, than for transmitters. Some stations may not achieve full analog parity in program management and creation until after the February 2009 deadline. Some public television stations produce the only local news and sports programming available in their markets. The continuation of such services are especially important to rural communities.

It is also important for public television stations to be able to tailor their programs and services (e.g., education services, public health, homeland security, and local culture) to the needs of their rural constituents. If public television programming is lost, many school systems may be left without educational programming they count on for curriculum compliance.

This notice has been formatted to conform to a policy directive issued by the Office of Federal Financial Management (OFFM) of the Office of Management and Budget (OMB), published in the **Federal Register** on June 23, 2003, (68 FR 37370). This Notice does not change the Public Television Station Digital Transition Grant Program regulation (7 CFR 1740).

II. Award Information

A. Available Funds

1. *General.* The Administrator has determined that the following amounts are available for grants in FY 2008 under 7 CFR 1740.1.

2. *Grants.*

a. $4,965,000 is available for grants from FY 2008. Under 7 CFR 1740.2, the maximum amount for grants under this program is $750,000 per public television station.

b. Assistance instrument: Grant documents appropriate to the project will be executed with successful applicants prior to any advance of funds.

B. Public Television Station Digital Transition grants cannot be renewed. Award documents specify the term of each award, and due to uncertainties in regulatory approvals of digital television broadcast facilities, the Agency will extend the period during which grant funding is available upon request.

III. Eligibility Information

A. Who is eligible for grants? (See 7 CFR 1740.3.)

1. Public television stations which serve rural areas are eligible for Public Television Station Digital Transition Grants. A public television station is a noncommercial educational television broadcast station that is qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934.

2. Individuals are not eligible for Public Television Station Digital Transition Grant Program financial assistance directly.

B. What are the basic eligibility requirements for a project?

1. Grants shall be made to perform digital transitions of television broadcasting serving rural areas. Grant funds may be used to acquire, lease, and/or install facilities and software necessary to the digital transition. Specific purposes include:

a. Digital transmitters, translators, and repeaters, including all facilities required to initiate DTV broadcasting. All broadcast facilities acquired with grant funds shall be capable of delivering DTV programming and HDTV programming, at both the interim and final channel and power authorizations. There is no limit to the number of transmitters or translators that may be included in an application;

b. Power upgrades of existing DTV transmitter equipment, including replacement of existing low-power digital transmitters with digital transmitters capable of delivering the final authorized power level;

c. Studio-to-transmitter links;

d. Equipment to allow local control over digital content and programming, including master control equipment;

e. Digital program production equipment, including cameras, editing, mixing and storage equipment;

f. Multicasting and datacasting equipment;

g. Cost of the lease of facilities, if any, for up to three years; and,

h. Associated engineering and environmental studies necessary to implementation.

2. Matching contributions: There is no requirement for matching funds in this program (see 7 CFR 1740.5).

3. To be eligible for a grant, the Project must not (see 7 CFR 1740.7):

a. Include funding for ongoing operations or for facilities that will not be owned by the applicant, except for leased facilities as provided above;

b. Include costs of salaries, wages, and employee benefits of public television station personnel unless they are for construction or installation of eligible facilities;

c. Have been funded by any other source;

d. Include items bought or built prior to the application deadline specified in this Notice of Funds Availability.

C. See paragraph IV.B of this Notice for a discussion of the items that make up a completed application. You may also refer to 7 CFR 1740.9 for completed grant application items.

IV. Application and Submission Information

A. Where to Get Application Information

The application guide, copies of necessary forms and samples, and the Public Television Station Digital Transition Grant Program regulation are available from these sources:

1. The Internet: *http://www.usda.gov/rus/telecom/,* or *http://www.grants.gov.*

2. The USDA Rural Development Advanced Services Division, for paper copies of these materials: (202) 690–4493.

B. What constitutes a completed application?

1. Detailed information on each item required can be found in the Public Television Station Digital Transition Grant Program regulation and application guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide. This Notice does not change the

requirements for a completed application specified in the program regulation. The program regulation and application guide provide specific guidance on each of the items listed and the application guide provides all necessary forms and sample worksheets.

2. A completed application must include the following documentation, studies, reports and information in form satisfactory to USDA Rural Development. Applications should be prepared in conformance with the provisions in 7 CFR 1740, subpart A, and applicable USDA regulations including 7 CFR parts 3015, 3016, and 3019. Applicants must use the application guide for this program containing instructions and all necessary forms, as well as other important information, in preparing their application. Completed applications must include the following:

a. An application for federal assistance, Standard Form 424.

b. An executive summary, not to exceed two pages, describing the public television station, its service area and offerings, its current digital transition status, and the proposed project.

c. Evidence of the applicant's eligibility to apply under this Notice, proving that the applicant is a Public Television Station as defined in this Notice, and that it is required by the FCC to perform the digital transition.

d. A spreadsheet showing the total project cost, with a breakdown of items sufficient to enable USDA Rural Development to determine individual item eligibility.

e. A coverage contour map showing the digital television coverage area of the application project. This map must show the counties (or county) comprising the Core Coverage Area by shading and by name. Partial counties included in the applicant's Core Coverage Area must be identified as partial and must contain an attachment with the applicant's estimate of the percentage that its coverage contour comprises of the total area of the county (total area is available from American Factfinder, referenced above). If the application is for a translator, the coverage area may be estimated by the applicant through computer modeling or some other reasonable method, and this estimate is subject to acceptance by USDA Rural Development.

f. The applicant's own calculation of its Rurality score, supported by a worksheet showing the population of its Core Coverage Area, and the urban and rural populations within the Core Coverage Area. The data source for the urban and rural components of that population must be identified. If the application includes computations made by a consultant or other organization outside the public television station, the application shall state the details of that collaboration.

g. The applicant's own calculation of its Economic Need score, supported by a worksheet showing the National School Lunch Program eligibility levels for all school districts within the Core Coverage Area and averaging these eligibility percentages. The application must include a statement from the state or local organization that administers the NSLP program certifying the school district scores used in the computations.

h. If applicable, a presentation not to exceed five pages demonstrating the Critical Need for the project, as outlined in 7 FR 1740.8(e).

i. Evidence that the FCC has authorized the initiation of digital broadcasting at the project sites. In the event that an FCC construction permit has not been issued for one or more sites, USDA Rural Development may include those sites in the grant, and make advance of funds for that site conditional upon the submission of a construction permit.

j. Compliance with other Federal statutes. The applicant must provide evidence or certification that it is in compliance with all applicable Federal statutes and regulations, including, but not limited to the following:

(1) Executive Order (E.O.) 11246, Equal Employment Opportunity, as amended by E.O. 11375 and as supplemented by regulations contained in 41 CFR part 60;

(2) Architectural barriers;

(3) Flood hazard area precautions;

(4) 7 CFR part 3015—Uniform Federal Assistance Regulations.

(5) Assistance and Real Property Acquisition Policies Act of 1970;

(6) Drug-Free Workplace Act of 1998 (41 U.S.C. 701);

(7) E.O.s 12549 and 12689, Debarment and Suspension; and

(8) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).

k. Environmental impact and historic preservation. The applicant must provide details of the digital transition's impact on the environment and historic preservation, and comply with 7 CFR Part 1794, which contains the Agency's policies and procedures for implementing a variety of federal statutes, regulations, and executive orders generally pertaining to the protection of the quality of the human environment. This must be contained in a separate section entitled ''Environmental Impact of the Digital Transition,'' and must include the Environmental Questionnaire/Certification, available from USDA Rural Development, describing the impact of its digital transition. Submission of the Environmental Questionnaire/Certification alone does not constitute compliance with 7 CFR part 1794.

3. DUNS Number. As required by the OMB, all applicants for grants must now supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying. The Standard Form 424 (SF–424) contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see the Public Television Station Digital Transmitter Grant Program Web site or Grants.gov for more information on how to obtain a DUNS number or how to verify your organization's number.

C. How many copies of an application are required?

1. *Applications submitted on paper:* Submit the original application and two (2) copies to USDA Rural Development.

2. *Electronically submitted applications:* The additional paper copies for USDA Rural Development are not necessary if you submit the application electronically through Grants.gov.

D. How and where to submit an application.

Grant applications may be submitted on paper or electronically.

1. Submitting applications on paper.

a. Address paper applications for grants to the Rural Development Utilities Programs, Telecommunications Program, United States Department of Agriculture, 1400 Independence Ave., SW., Room 2844, STOP 1550, Washington, DC 20250–1550. Applications should be marked ''Attention: Gary B. Allan, Chief, Universal Services Branch, Advanced Services Division.''

b. Paper applications must show proof of mailing or shipping consisting of one of the following:

(i) A legibly dated postmark applied by the U.S. Postal Service;

(ii) A legible mail receipt with the date of mailing stamped by the USPS; or

(iii) A dated shipping label, invoice, or receipt from a commercial carrier.

c. Non-USPS-applied postage dating, i.e. dated postage meter stamps, do not constitute proof of the date of mailing.

d. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents. Rural Development encourages applicants to

consider the impact of this procedure in selecting their application delivery method.

2. Electronically submitted applications.

a. Applications will not be accepted via facsimile machine transmission or electronic mail.

b. Electronic applications for grants will be accepted if submitted through the Federal government's *Grants.gov* initiative at *http://www.grants.gov.*

c. How to use *Grants.gov*:

(i) Navigate your Web browser to *http://www.grants.gov.*

(ii) Follow the instructions on that Web site to find grant information.

(iii) Download a copy of the application package.

(iv) Complete the package off-line.

(v) Upload and submit the application via the *Grants.gov* Web site.

d. *Grants.gov* contains full instructions on all required passwords, credentialing and software.

e. Rural Development encourages applicants who wish to apply through *Grants.gov* to submit their applications in advance of the deadline. Difficulties encountered by applicants filing through *Grants.gov* will not justify filing deadline extensions.

f. If a system problem occurs or you have technical difficulties with an electronic application, please use the customer support resources available at the *Grants.gov* Web site.

E. Deadlines

1. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than March 28, 2008 to be eligible for FY 2008 grant funding. Late applications are not eligible for FY 2008 grant funding.

2. Electronic grant applications must be received by March 28, 2008 to be eligible for FY 2008 funding. Late applications are not eligible for FY 2008 grant funding.

V. Application Review Information

A. Criteria

1. Grant applications are scored competitively and subject to the criteria listed below.

2. Grant application scoring criteria are detailed in 7 CFR 1740.8. There are 100 points available, broken down as follows:

a. The Rurality of the Project (up to 50 points);

b. The Economic Need of the Project's Service Area (up to 25 points); and

c. The Critical Need for the project, and of the applicant, including the benefits derived from the proposed service (up to 25 points).

B. Review Standards

1. All applications for grants must be delivered to Rural Development at the address and by the date specified in this notice to be eligible for funding. Rural Development will review each application for conformance with the provisions of this part. Rural Development may contact the applicant for additional information or clarification.

2. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

3. Applications conforming with this part will be evaluated competitively by a panel of Rural Development employees selected by the Administrator of RUS, and will be awarded points as described in the scoring criteria in 7 CFR 1740.8. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

4. Regardless of the score an application receives, if Rural Development determines that the Project is technically or financially infeasible, Rural Development will notify the applicant, in writing, and the application will be returned with no further action.

C. Scoring Guidelines

1. The applicant's self scores in Rurality and Economic Need will be checked and, if necessary, corrected by Rural Development.

2. The Critical Need score will be determined by Rural Development based on information presented in the application. This score is intended to capture from the rural public's standpoint the necessity and usefulness of the proposed project. This scoring category will also recognize that some transition purchases are more essential than others, so that first time transmitter transitions and power upgrades of previously installed transmitters will receive scoring advantages. Master control equipment is very important to a station's operation and first time master control equipment will also get a high priority. Local production equipment can be a high priority especially if it produces an area's only local news or if the station has been historically active in producing local programming. Translators always deliver a great deal of rural benefit and a full digital conversion of a translators will receive recognition in the project's critical need score.

VI. Award Administration Information

A. Award Notices

Rural Development recognizes that each funded project is unique, and therefore may attach conditions to different projects' award documents. The Agency generally notifies applicants whose projects are selected for awards by faxing an award letter. Rural Development follows the award letter with a grant agreement that contains all the terms and conditions for the grant. An applicant must execute and return the grant agreement, accompanied by any additional items required by the grant agreement.

B. Administrative and National Policy Requirements

The items listed in the program regulation at 7 CFR 1740.9(j) implement the appropriate administrative and national policy requirements.

C. Performance Reporting

All recipients of Public Television Station Digital Transition Grant Program financial assistance must provide annual performance activity reports to USDA Rural Development until the project is complete and the funds are expended. A final performance report is also required; the final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

VII. Agency Contacts

A. *Web site: http://www.usda.gov/rus/.* The Web site maintains up-to-date resources and contact information for the Public Television Station Digital Transition Grant Program.

B. Phone: 202–690–4493.

C. Fax: 202–720–1051.

D. *Main point of contact:* Gary B. Allan, Chief, Universal Services Branch, Advanced Services Division, Telecommunications Program, USDA Rural Development.

Dated: January 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8–1377 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Household Water Well System Grant Program Announcement of Application Deadlines and Funding

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development, announces its Household Water Well System (HWWS) Grant Program application window for Fiscal Year (FY) 2008. In addition to announcing the application window, Rural Development announces the available funding and maximum amounts for HWWS competitive grants for the fiscal year.

The HWWS Grant Program is authorized under Section 6012 of the Farm Security and Rural Investment Act of 2002 (the Act), Public Law 107–171. The Act authorizes Rural Development to make grants to qualified private non-profit organizations to establish lending programs for household water wells. For FY 2008, the HWWS grant funding available is $993,000. Non-profit organizations will use the grants to make loans to individual homeowners to construct or upgrade a household water well system for an existing home. The organizations must contribute an amount equal to at least 10 percent of the grant request to capitalize the loan fund. Applications may be submitted in paper or electronic format. The HWWS Grant Program regulations are contained in 7 CFR part 1776.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- The deadline for completed applications for a HWWS grant is May 31, 2008.
- Paper copies must be postmarked and mailed, shipped, or sent overnight *no later* than May 31, 2008 to be eligible for FY 2008 grant funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.
- Applications in electronic copies must be postmarked or time-stamped electronically and must be received by May 31, 2008 to be eligible for FY 2008 grant funding. Late or incomplete applications will not be eligible for FY 2008 grant funding.

ADDRESSES: You may obtain application guides and materials for the HWWS program at the Water and Environmental Programs (WEP) Web site: *http://www.usda.gov/rus/water/well.htm*. You may also request application guides and materials by contacting the Water and Environmental Staff at (202) 720–9589.

Submit electronic grant applications through *http://www.grants.gov* (Grants.gov), following the instructions on that Web site.

Submit completed paper applications to the U.S. Department of Agriculture, Rural Development Utilities Programs, Mail Stop #1570, Room 2233–S, 1400 Independence Ave., SW., Washington, DC 20250–1570. Applications should be marked ''Attention: Water and Environmental Programs.''

FOR FURTHER INFORMATION CONTACT: Cheryl Francis, Loan Specialist, U.S. Department of Agriculture, Rural Development Utilities Programs, Water and Environmental Programs, telephone: (202) 720–1937, fax: (202) 690–0649, e-mail: *cheryl.francis@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Household Water Well System Grant Program.

Announcement Type: Grant—Initial.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.862.

Due Date for Applications: May 31, 2008.

Items in Supplementary Information

I. Funding Opportunity: Description of the Household Water Well System Grant Program.

II. Award Information: Available funds.

III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

VI. Award Administration Information: Award notice information, award recipient reporting requirements.

VII. Agency Contacts: Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

A. Program Description

The Household Water Well System (HWWS) Grant Program has been established to help individuals with low to moderate incomes finance the costs of household water wells that they own or will own. The HWWS Grant Program is authorized under Section 6012 of the Farm Security and Rural Investment Act of 2002 (The Act), Public Law 107–171. The Act authorizes the Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, to make grants to qualified private non-profit organizations to establish lending programs for household water wells.

As grant recipients, non-profit organizations will receive HWWS grants to establish lending programs that will provide water well loans to individuals. The individuals, as loan recipients, may use the loans to construct, refurbish, and service their household well systems. A loan may not exceed $8,000 and will have a term of up to 20 years at a one percent annual interest rate.

B. Background

Rural Development supports the sound development of rural communities and the growth of our economy without endangering the environment. Rural Development provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need.

Central water systems may not be the only or best solution to drinking water problems. Distance or physical barriers make public central water systems expensive in remote areas. A significant number of geographically isolated households without water service might require individual wells rather than connections to new or existing community systems. The goal of Rural Development is not only to make funds available to those communities most in need of potable water but also to ensure that facilities used to deliver drinking water are safe and affordable. There is a role for private wells in reaching this goal.

C. Purpose

The purpose of the HWWS Grant Program is to provide funds to non-profit organizations to assist them in establishing loan programs from which individuals may borrow money for household water well systems. Applicants must show that the project will provide technical and financial assistance to eligible individuals to remedy household well problems. Priority will be given to the non-profit organizations that:

1. Demonstrate experience in promoting safe, productive uses of household water wells and ground water.

2. Demonstrate significant management experience in making and servicing loans to individuals.

3. Contribute more than 50 percent of the grant amount in cash or other liquid assets in order to capitalize the revolving loan fund.

4. Propose to serve rural areas containing the smallest communities with a high percentage of low-income individuals eligible for loans.

5. Target areas which lack running water, flush toilets, and modern sewage disposal systems.

Due to the limited amount of funds available under the HWWS Program, one or two applications may be funded from FY 2008 funds. Previously funded grant recipients must apply for a different target area to be considered for funding under this announcement.

II. Award Information

Funding Instrument Type: Grant.

Anticipated Total Priority Area Funding: $993,000.

Anticipated Number of Awards: 1 or 2.

Length of Project Periods: 12-month project.

Assistance Instrument: Grant Agreement with successful applicants before any grant funds are disbursed.

III. Eligibility Information

A. Who Is Eligible for Grants?

1. An organization is eligible to receive a Household Water Well grant if it:

a. Is a private, non-profit organization that has tax-exempt status from the United States Internal Revenue Service (IRS). Faith-based organizations are eligible and encouraged to apply for this program.

b. Is legally established and located within one of the following:

(1) A state within the United States.

(2) The District of Columbia.

(3) The Commonwealth of Puerto Rico.

(4) A United States territory.

c. Has the legal capacity and authority to carry out the grant purpose;

d. Has sufficient expertise and experience in lending activities;

e. Has sufficient expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water;

f. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt;

g. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements.

2. An individual is ineligible to receive a Household Water Well grant. An individual may receive only a loan.

B. What are the Basic Eligibility Requirements for a Project?

1. *Project Eligibility.* To be eligible for a grant, the project must:

a. Be a revolving loan fund created to provide loans to eligible individuals to construct, refurbish, and service individually-owned household water well systems (see 7 CFR 1776.11 and 1776.12). Loans may not be provided for home sewer or septic system projects.

b. Be established and maintained by a private, non-profit organization.

c. Be located in a rural area. Rural area is defined as locations other than cities or towns of more than 50,000 people and the adjacent urbanized area of such towns and cities.

2. *Required Matching Contributions.* Grant applicants must provide written evidence of a matching contribution of at least 10 percent from sources other than the proceeds of a HWWS grant. In-kind contributions will not be considered for the matching requirement. Please see 7 CFR 1776.9 for the requirement.

3. *Other—Requirements.*

a. DUNS Number. An organization must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number. A DUNS number will be required whether an applicant is submitting a paper application or an electronic application through *www.grants.gov.* To verify that your organization has a DUNS number or to receive one at no cost, call the dedicated toll-free request line at 1–866–705–5711 or request one on-line at *http://www.dnb.com.*

b. Eligibility for Loans. Individuals are not eligible for grants but are eligible for loans. To be eligible for a loan, an individual must:

(1) Be a member of a household of which the combined household income of all members does not exceed 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides. Household income is the total income from all sources received by each adult household member for the most recent 12-month period for which the information is available. It does not include income earned or received by dependent children under 18 years old or other benefits that are excluded by Federal law. The non-metropolitan household income must be based on the most recent decennial census of the United States.

Rural Development publishes a list of income exclusions in 7 CFR 3550.54(b). Also, a list of federally Mandated Exclusions from Income, published by the Department of Housing and Urban Development may be found in the **Federal Register**, April 20, 2001 at 66 FR 20318.

(2) Own and occupy the home being improved with the proceeds of the Household Water Well loan or be purchasing the home to occupy under a legally enforceable land purchase contract which is not in default by either the seller or the purchaser.

(3) Own the home in a rural area.

(4) Not use the loan for a water well system associated with the construction of a new dwelling.

(5) Not use the loan to substitute a well for water service available from collective water systems. (For example, a loan may not be used to restore an old well that was abandoned when a dwelling was connected to a water district's water line.)

(6) Not be suspended or debarred from participation in Federal programs.

IV. Application and Submission Information

A. Where To Get Application Information

The application guide, copies of necessary forms and samples, and the HWWS Grant regulation are available from these sources:

1. On-line for electronic copies: *http://www.grants.gov* or *http://www.usda.gov/rus/water/well.htm,* and

2. Rural Development for paper copies.

Rural Development Utilities Programs, Water Programs Division, Room 2234 South, Stop 1570, 1400 Independence Avenue, SW., Washington, DC 20250–1570, Telephone: (202) 720–9589; Fax (202) 690–0649.

B. Content and Form of Application Submission

1. Rules and Guidelines

a. Detailed information on each item required can be found in the Household Water Well System Grant Program regulation and the Household Water Well System Grant Application Guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide. This Notice does not change the requirements for a completed application for any form of HWWS financial assistance specified in the regulation. The regulation and application guide provide specific guidance on each of the items listed.

b. Applications should be prepared in conformance with the provisions in 7 CFR 1776, subpart B, and applicable USDA regulations including 7 CFR parts 3015 and 3019. Applicants should use the Household Water Well System Grant

Application Guide which contains instructions and other important information in preparing their application. Completed applications must include the items found in the checklist in the next paragraph.

2. Checklist of Items in Completed Application Packages

The forms in items 1 through 6 must be completed and signed where appropriate by an official of your organization who has authority to obligate the organization legally. The forms may be found on-line at the Rural Development Web site: *http://www.usda.gov/rus/water/wwforms.htm.* See section V, ''Application Review Information,'' for instructions and guidelines on preparing Items 7 through 13.

Application items
1. SF–424, ''Application for Federal Assistance''.
2. SF–424A, ''Budget Information—Non-Construction Programs''.
3. SF–424B, ''Assurances—Non-Construction Programs''.
4. SF–LLL, ''Disclosure of Lobbying Activity''.
5. Form RD 400–1, ''Equal Opportunity Agreement''.
6. Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).
7. Project Proposal.
Project Summary.
Needs Assessment.
Project Goals and Objectives.
Project Narrative.
8. Work Plan.
9. Budget and Budget Justification.
10. Evidence of Legal Authority and Existence.
11. Documentation of non-profit status and IRS Tax Exempt Status.
12. List of Directors and Officers.
13. Financial information and sustainability (narrative).
14. Assurances and Certifications of Compliance with Other Federal Statutes.

3. *Compliance with Other Federal Statutes.* The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

a. 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

b. 7 CFR part 3015—Uniform Federal Assistance Regulations.

c. 7 CFR part 3017—Government wide Debarment and Suspension (Non-procurement).

d. 7 CFR part 3018—New Restrictions on Lobbying.

e. 7 CFR part 3021—Government wide Requirements for Drug-Free Workplace (Financial Assistance).

f. Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *http://www.LEP.gov.*

g. Federal Obligation Certification on Delinquent Debt.

C. How Many Copies of an Application Are Required?

1. Applications Submitted on Paper. Submit one signed original and two additional copies. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, and have original signatures. Do not include organizational brochures or promotional materials.

2. Applications Submitted Electronically. The additional paper copies are unnecessary if the application is submitted electronically through *www.grants.gov.*

D. How and Where To Submit an Application

1. Submitting Paper Applications

a. For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date to: Rural Development Utilities Programs, Water Programs Division, Room 2234 South, Stop 1570, 1400 Independence Avenue, SW., Washington, DC 20250–1570.

b. Applications must show proof of mailing or shipping by one of the following:

(1) A legibly dated U.S. Postal Service (USPS) postmark;

(2) A legible mail receipt with the date of mailing stamped by the USPS; or

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

c. If a deadline date falls on a weekend, it will be extended to the following Monday. If the date falls on a Federal holiday, it will be extended to the next business day.

d. Due to screening procedures at the U.S. Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents. Rural Development encourages applicants to consider the impact of this procedure in selecting an application delivery method.

2. Submitting Electronic Applications

a. Applications will not be accepted via facsimile machine transmission or electronic mail.

b. Electronic applications for grants will be accepted if submitted through *Grants.gov* at *http://www.grants.gov.*

c. Applicants who apply through *Grants.gov* should submit their applications before the deadline.

d. *Grants.gov* contains full instructions on all required passwords, credentialing, and software. Follow the instructions at *Grants.gov* for registering and submitting an electronic application. Rural Development may request original signatures on electronically submitted documents later.

e. To use *Grants.gov*:

(1) Follow the instructions on the Web site to find grant information.

(2) Download a copy of an application package.

(3) Complete the package off-line.

(4) Upload and submit the application via the *Grants.gov* Web site.

f. You must be registered with *Grants.gov* before you can submit a grant application.

(1) You will need a DUNS number to access or register at any of the services. In addition to the DUNS number required of all grant applicants, your organization must be listed in the Central Contractor Registry (CCR). If you have not used *Grants.gov* before, you will need to register with the CCR and the Credential Provider.

Setting up a CCR listing (a one-time procedure with annual updates) takes up to five business days. Rural Development recommends that you obtain your organization's DUNS number and CCR listing well in advance of the deadline specified in this notice.

(2) The CCR registers your organization, housing your organizational information and allowing *Grants.gov* to use it to verify your identity. You may register for the CCR by calling the CCR Assistance Center at 1–888–227–2423 or you may register online at *http://www.ccr.gov.*

(3) The Credential Provider gives you or your representative a username and password, as part of the Federal Government's e-Authentication to ensure a secure transaction. You will need the username and password when you register with *Grants.gov* or use *Grants.gov* to submit your application. You must register with the Central Provider through *Grants.gov* at *https://apply.grants.gov/OrcRegister.*

(4) If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the *Grants.gov* Web site.

E. Deadlines

The deadline for paper and electronic submissions is May 31, 2008. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than the closing date to be considered for FY 2008 grant funding. Electronic applications must have an electronic date and time stamp by midnight of May 31, 2008, to be considered on time. Rural Development will not accept applications by fax or e-mail.

Applications that do not meet the criteria above are considered late applications and will not be considered. Rural Development will notify each late applicant that its application will not be considered.

F. Funding Restrictions

1. Eligible Grant Purposes

a. Grant funds must be used to establish and maintain a revolving loan fund to provide loans to eligible individuals for household water well systems.

b. Individuals may use the loans to construct, refurbish, rehabilitate, or replace household water well systems up to the point of entry of a home. Point of entry for the well system is the junction where water enters into a home water delivery system after being pumped from a well.

c. Grant funds may be used to pay administrative expenses associated with providing Household Water Well loans.

2. Ineligible Grant Purposes

a. Administrative expenses incurred in any calendar year that exceed 10 percent of the HWWS loans made during the same period do not qualify for reimbursement.

b. Administrative expenses incurred before Rural Development executes a grant agreement with the recipient do not qualify for reimbursement.

c. Delinquent debt owed to the Federal Government.

d. Grant funds may not be used to provide loans for household sewer or septic systems.

e. Household Water Well loans may not be used to pay the costs of water well systems for the construction of a new house.

f. Household Water Well loans may not be used to pay the costs of a home plumbing system.

V. Application Review Information

A. Criteria

This section contains instructions and guidelines on preparing the project proposal, work plan, and budget sections of the application. Also, guidelines are provided on the additional information required for Rural Development to determine eligibility and financial feasibility.

1. Project Proposal. The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of the loan program. Explain what will be accomplished by lending funds to individual well owners. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should include the following elements:

a. Project Summary. Present a brief project overview. Explain the purpose of the project, how it relates to Rural Development's purposes, how the project will be executed, what the project will produce, and who will direct it.

b. Needs Assessment. To show why the project is necessary, clearly identify the economic, social, financial, or other problems that require solutions. Demonstrate the well owners' need for financial and technical assistance. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Provide information on the household income of the area and other demographical information. Address community needs.

c. Project Goals and Objectives. Clearly state the project goals. The objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the grant and loan program.

d. Project Narrative. The narrative should cover in more detail the items briefly described in the Project Summary. Demonstrate the grant applicant's experience and expertise in promoting the safe and productive use of individually-owned household water well systems. The narrative should address the following points:

(1) Document the grant applicant's ability to manage and service a revolving fund. The narrative may describe the systems that are in place for the full life cycle of a loan from loan origination through servicing. If a servicing contractor will service the loan portfolio, the arrangement and services provided must be discussed.

(2) Show evidence that the organization can commit financial resources the organization controls. This documentation should describe the sources of funds other than the HWWS grant that will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that the organization has secured commitments of significant financial support from other funding sources, if appropriate.

(4) List the fees and charges that borrowers will be assessed.

2. Work Plan. The work plan or scope of work must describe the tasks and activities that will be accomplished with available resources during the grant period. It must include who will carry out the activities and services to be performed and specific timeframes for completion. Describe any unusual or unique features of the project such as innovations, reductions in cost or time, or extraordinary community involvement.

3. Budget and Budget Justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. ''Federal resources'' refers only to the HWWS grant for which you are applying. ''Non Federal resources'' are all other Federal and non-Federal resources.

a. Provide a budget with line item detail and detailed calculations for each budget object class identified in section B of the Budget Information form (SF–424A). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

b. Provide a narrative budget justification that describes how the categorical costs are derived for all capital and administrative expenditures, the matching contribution, and other sources of funds necessary to complete the project. Discuss the necessity, reasonableness, and allocability of the proposed costs. Consult OMB Circular A–122: ''Cost Principles for Non-Profit Organizations'' for information about appropriate costs for each budget category.

c. If the grant applicant will use a servicing contractor, the fees may be reimbursed as an administrative expense as provided in 7 CFR 1776.13. These fees must be discussed in the budget narrative. If the grant applicant will hire a servicing contractor, it must demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified

acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000).

d. The indirect cost category should be used only when the grant applicant currently has an indirect cost rate approved by the U.S. Department of Agriculture or another cognizant Federal agency. A grant applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the grant applicant is in the process of initially developing or renegotiating a rate, the grant applicant shall submit its indirect cost proposal to the cognizant agency immediately after the applicant is advised that an award will be made. In no event, shall the indirect cost proposal be submitted later than three months after the effective date of the award. Consult OMB Circular A–122 for information about indirect costs.

4. Evidence of Legal Authority and Existence. The applicant must provide satisfactory documentation that it is legally recognized under state and Federal law as a non-profit organization. The documentation also must show that it has the authority to enter into a grant agreement with Rural Development and to perform the activities proposed under the grant application. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, or copies of state statutes or laws establishing your organization. Letters from the IRS awarding tax-exempt status are not considered adequate evidence.

5. List of Directors and Officers. The applicant must submit a certified list of directors and officers with their respective terms.

6. IRS Tax Exempt Status. The applicant must submit evidence of tax exempt status from the Internal Revenue Service.

7. Financial Information and Sustainability. The applicant must submit pro forma balance sheets, income statements, and cash flow statements for the last three years and projections for three years. Additionally, the most recent audit of the applicant's organization must be submitted.

B. Evaluation Criteria

Grant applications that are complete and eligible will be scored competitively based on the following scoring criteria:

Scoring criteria	Points
Degree of expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.	Up to 30 points.
Degree of expertise and successful experience in making and servicing loans to individuals	Up to 20 points.
Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a HWWS grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the HWWS grant and points corresponding to such percentages are as follows:	
0 to 9 percent	Ineligible.
10 to 25 percent	5 points.
26 to 30 percent	10 points.
31 to 50 percent	15 points.
51 percent or more	20 points.
Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, and appears likely to be sustainable.	Up to 20 points.
Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
Administrator's discretion, taking into consideration such factors as: Creative outreach ideas for marketing HWWS loans to rural residents; Amount of funds requested in relation to the amount of needs demonstrated in the proposal; Excellent utilization of a previous revolving loan fund; and Optimizing the use of agency resources.	Up to 10 points.
Description of the service area, particularly the range of the area:	
State	10 points.
Regional	15 points.
National	20 points.
Extent to which the problem or issue being addressed in the Needs Assessment is defined clearly and supported by data.	Up to 15 points.
Extent to which the goals and objectives are clearly defined, tied to the need as defined in the Needs Assessment, and are measurable.	Up to 15 points.
Extent to which the evaluation methods are specific to the program, clearly defined, measurable, with expected program outcomes.	Up to 20 points.

C. Review Standards

1. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

2. Ineligible applications will be returned to the applicant with an explanation.

3. Complete, eligible applications will be evaluated competitively by a review team, composed of at least two Rural Development employees selected from the Water Programs Division. They will make overall recommendations based on the program elements found in 7 CFR part 1776 and the review criteria presented in this notice. They will award points as described in the scoring criteria in 7 CFR 1776.9 and this notice. Each application will receive a score based on the averages of the reviewers' scores and discretionary points awarded by the Rural Utilities Service Administrator.

4. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

5. Regardless of the score an application receives, if Rural Development determines that the project is technically infeasible, Rural Development will notify the applicant,

in writing, and the application will be returned with no further action.

VI. Award Administration Information

A. Award Notices

Rural Development will notify a successful applicant by an award letter accompanied by a grant agreement. The grant agreement will contain the terms and conditions for the grant. The applicant must execute and return the grant agreement, accompanied by any additional items required by the award letter or grant agreement.

B. Administrative and National Policy Requirements

1. This notice, the 7 CFR 1776, and Household Water Well System Grant Program Application Guide implement the appropriate administrative and national policy requirements. Grant recipients are subject to the requirements in 7 CFR part 1776.

2. Direct Federal grants, sub-award funds, or contracts under the HWWS Program shall not be used to fund inherently religious activities, such as worship, religious instruction, or proselytization. Therefore, organizations that receive direct USDA assistance should take steps to separate, in time or location, their inherently religious activities from the services funded under the HWWS Program. USDA regulations pertaining to the Equal Treatment for Faith-based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found either at the USDA Web site at *http://www.usda.gov/fbci/finalrule.pdf* or 7 CFR part 16.

C. Reporting

1. *Performance Reporting.* All recipients of HWWS Grant Program financial assistance must provide quarterly performance activity reports to Rural Development until the project is complete and the funds are expended. A final performance report is also required. The final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

2. *Financial Reporting.* All recipients of Household Water Well System Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. The grantee will provide an audit report or financial statements as follows:

a. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

b. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

VII. Agency Contacts

A. Web Site

http://www.usda.gov/rus/water. The Rural Development's Web site maintains up-to-date resources and contact information for the Household Water Well program.

B. Phone

202–720–9589.

C. Fax

202–690–0649.

D. E-mail

cheryl.francis@wdc.usda.gov.

E. Main Point of Contact

Cheryl Francis, Loan Specialist, Water and Environmental Programs, Water Programs Division, Rural Development Utilities Programs, U.S. Department of Agriculture.

Dated: January 11, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8–1379 Filed 1–25–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Local Update of Census Addresses (LUCA) Program.

Form Number(s): D–1663 through D–1706.

OMB Control Number: 0607–0795.

Type of Request: Extension of a currently approved collection.

Burden Hours: 3,909,829.

Number of Respondents: 19,780.

Average Hours Per Response: 197 hours and 40 minutes.

Needs and Uses: The information to be collected in the Local Update of Census Addresses (LUCA) Program is essential to the mission of the Census Bureau and will directly contribute to the successful outcome of Census 2010. The Census Bureau requested and received emergency clearance from OMB so that the LUCA Program start-up was not delayed. That emergency clearance expires February, 2008.

The LUCA Program was developed by the U.S. Census Bureau to meet the requirements of the *Census Address List Improvement Act of 1994, Public Law 103–430.* Under the voluntary LUCA Program, participating governments may review the Census Bureau's confidential list of individual living quarters addresses and provide address additions, corrections, deletions, and/or the identification of corrected address counts for census blocks; street and street attribute updates; and legal boundary updates. Governments electing to participate in the LUCA program also provide program contact information; certification of their agreement to maintain the confidentiality of the Census Bureau address information; responses regarding their physical and information technology security capabilities; program option and product media preference information; shipment inventory information; certification of their return/destruction of materials containing confidential data; and, for participants not submitting address list changes, their reasons for not doing so. The program will be available to tribal, state, and local governments, and the District of Columbia and Puerto Rico (or their designated representatives) in areas for which the Census Bureau performs a precensus address canvassing operation (excluded are sparsely settled areas in the states of Alaska and Maine). The LUCA program includes federally-recognized American Indian tribes with reservations and/or off-reservation trust lands, states, and general-purpose local governments, such as cities and townships, for which the Census Bureau reports data. This information collection will occur between August 2007 and May 2008.

The Census Bureau will use the LUCA program to help develop the housing unit and group quarters (e.g., college dormitory, nursing home, correctional facility, etc.) address information that it will need to conduct the 2010 Decennial Census. Because tribal, state, and local governments have current knowledge of and data about where housing growth and change are occurring in their jurisdictions, their input into the overall

development of the address list for the census makes a vital contribution. .

Affected Public: State, local or Tribal government.

Frequency: One-time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 16.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: January 22, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–1410 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; Special Census Program

AGENCY: U.S. Census Bureau, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before March 28, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to J. Michael Stump, Bureau of the Census, 4600 Silver Hill Rd., Room 5H117, Washington, DC 20233 (or via the Internet at *j.michael.stump@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Special Census Program is a reimbursable service offered and performed by the Census Bureau for the government of any state; county, city, or other political subdivision within a state; for the government of the District of Columbia; and for the government of any possession or area over which the U.S. exercises jurisdiction, control, or sovereignty, and other governmental units which require current population data between decennial censuses. The Special Census Program will be closing down for this decade in 2009 and will startup again after the 2010 Decennial Census. We are requesting an extension of the expiration date of the Special Census Program through June 2009, at which time, the program will close down and will be unavailable until after the 2010 Decennial Census.

Many states distribute funds based on current population statistics. In addition, special census data are used by the local jurisdictions to plan new schools, transportation systems, housing programs, and water treatment facilities.

The Census Bureau will use the following forms to update addresses listed on the Census Bureau's Master Address File (MAF) and to enumerate populations in special censuses:

SC–1, Special Census Enumerator Questionnaire—This interview form will be used to collect special census data at regular housing units (HU).

SC–1 (SUPP), Continuation Form for Enumerator Questionnaire—This interview form will be used to collect special census data at a regular HU when there are more than five members in a household.

SC–1 (Telephone), Special Census Enumeration Questionnaire—This interview form will be used to collect special census data when a respondent calls the local special census office.

SC–2, Special Census Special Place Questionnaire—This interview form will be used to collect special census data at group quarters (GQ) in special places (SP) such as hospitals, prisons, boarding and rooming houses, campgrounds, hotels, college dormitories, military facilities, and convents.

SC–116, Group Quarters Enumeration Control Sheet—This page will be used by Special Census enumerators to list residents/clients at GQs.

SC–351, Group Quarters Initial Contact Checklist—This checklist will be used by enumerators to collect contact information and to determine the type of GQ.

SC–920, Address Listing Page—This page will include existing addresses from the MAF. Special Census enumerators will update these addresses, if needed, at the time of enumeration.

SC–921(HU), Housing Unit Add Page—This page will be used by enumerators to add HUs that are observed to exist on the ground and that are not contained on the address listing page.

SC–921(SP), Special Place/Group Quarter Add Page—This page will be used by enumerators to add SPs/GQs that are observed to exist on the ground and that are not reflected in the address listing page.

The Special Census Program will operate as a generic OMB clearance including a library of forms and the operational procedures that will be used for the remaining special censuses we anticipate conducting this decade. The Census Bureau will establish a reimbursable agreement with a variety of potential special census customers that are unknown at this time.

Census will submit for OMB's review and approval, using a change worksheet, any special-purpose questions requested by customers to be added to special census questionnaires.

II. Method of Collection

The Special Census Program will use the Census 2000 Update/Enumerate (U/E) methodology. Enumerators will canvass their assigned areas with an address register that contains addresses obtained from the MAF. Special Census enumerators will update the address information, as needed, based on their observation of HUs and/or SPs/GQs that exist on the ground. Additionally, enumerators will interview households at regular HUs and residents at GQs using the appropriate Special Census questionnaire.

III. Data

OMB Control Number: 0607–0368.

Form Numbers: SC–1, SC–1(SUPP), SC–1(Telephone), SC–2, SC–116, SC-351, SC–920, SC–921(HU), SC–921(SP).

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions.

Estimated Number of Respondents: (*June 2008 through June 2009*)

Enumerator Questionnaire—152,440 respondents.

Special Place Questionnaire—1,200 respondents.

Address Listing Page—152,440 respondents.

Group Quarters Enumeration Control Sheet—150 respondents.

Housing Unit Add Page—5,000 respondents.

Special Place/Group Quarters Add Page—75 respondents.

Group Quarters Initial Contact Checklist—150 respondents.

Estimated Time Per Response:

Enumerator Questionnaire—7 minutes.

Special Place Questionnaire—5 minutes.

Address Listing Page—1 minute.

Group Quarters Enumeration Control Sheet—10 minutes.

Housing Unit Add Page—1 minute.

Special Place/Group Quarters Add Page—1 minute.

Group Quarters Initial Contact Checklist—10 minutes.

Estimated Total Annual Burden Hours: 20,560.

Estimated Total Annual Cost: There are no costs to respondents other than that of their time to respond.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, section 196.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 22, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–1409 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–928, A–791–821, A–552–803]

Uncovered Innerspring Units From the People's Republic of China, South Africa, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations

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

EFFECTIVE DATE: January 28, 2008.

FOR FURTHER INFORMATION CONTACT: Erin Begnal at (202) 482–1442 or Scot Fullerton at (202) 482–1386 (People's Republic of China), AD/CVD Operations, Office 9; Dmitry Vladimirov at (202) 482–0665 or Minoo Hatten at (202) 482–1690 (South Africa), AD/CVD Operations, Office 5; Eugene Degnan at (202) 482–0414 or Robert Bolling at (202) 482–3434 (Socialist Republic of Vietnam), AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On December 31, 2007, the Department of Commerce (the Department) received petitions concerning imports of uncovered innerspring units from the People's Republic of China (the PRC), South Africa, and the Socialist Republic of Vietnam (Vietnam) (collectively, the Petitions) filed in proper form by Leggett and Platt, Incorporated (the petitioner). See Petitions on Uncovered Innerspring Units from China, South Africa, and Vietnam (December 31, 2007). On January 7, 2008, the Department issued a request for additional information and clarification of certain areas in the Petitions. Based on the Department's requests, the petitioner filed additional information on January 11, 2008 (four distinct submissions on general issues, PRC-specific material (PRC Supplement to the Petition), Vietnam-specific material (Vietnam Supplement to the Petition), and South Africa-specific material (South Africa Supplement to the Petition)), and on January 16, 2008 (two distinct submissions on PRC-specific material (PRC Second Supplement to the Petition) and Vietnam-specific material (Vietnam Second Supplement to the Petition)).

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of uncovered innerspring units from the PRC, South Africa, and Vietnam are being, or are likely to be, sold in the United States at less than fair value, within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that the petitioner filed these Petitions on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act and has demonstrated sufficient industry support with respect to the initiation of the antidumping duty investigations that the petitioner is requesting. See the ''Determination of Industry Support for the Petitions'' section below.

Period of Investigation

Because the Petitions were filed on December 31, 2007, the anticipated period of investigation (POI) for the PRC and Vietnam is April 1, 2007, through September 30, 2007. The anticipated POI for South Africa is October 1, 2006, through September 30, 2007. See 19 CFR 351.204(b)(1).

Scope of Investigations

The merchandise covered by each of these investigations is uncovered innerspring units composed of a series of individual metal springs joined together in sizes corresponding to the sizes of adult mattresses (*e.g.*, twin, twin long, full, full long, queen, California king, and king) and units used in smaller constructions, such as crib and youth mattresses. All uncovered innerspring units are included in this scope regardless of width and length. Included within this definition are innersprings typically ranging from 30.5 inches to 76 inches in width and 68 inches to 84 inches in length. Innersprings for crib mattresses typically range from 25 inches to 27 inches in width and 50 inches to 52 inches in length.

Uncovered innerspring units are suitable for use as the innerspring component in the manufacture of innerspring mattresses, including mattresses that incorporate a foam encasement around the innerspring.

Pocketed and non-pocketed innerspring units are included in this definition. Non-pocketed innersprings are typically joined together with helical wire and border rods. Non-pocketed innersprings are included in this definition regardless of whether they have border rods attached to the perimeter of the innerspring. Pocketed

innersprings are individual coils covered by a ''pocket'' or ''sock'' of a nonwoven synthetic material or woven material and then glued together in a linear fashion.

Uncovered innersprings are classified under subheading 9404.29.9010 and have also been classified under subheadings 9404.10.0000, 7326.20.00.70, 7320.20.5010, or 7320.90.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of these investigations is dispositive.

Comments on Scope of Investigations

During our review of the Petitions, we discussed the scope with the petitioner to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the regulations (*Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments within 20 calendar days of signature of this notice. Comments should be addressed to Import Administration's Central Records Unit (CRU), Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations.

Comments on Product Characteristics for Antidumping Duty Questionnaires

We are requesting comments from interested parties regarding the appropriate physical characteristics of uncovered innerspring units to be reported in response to our antidumping duty questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order for the respondents to report the relevant factors and costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as the general product characteristics and the product-comparison criteria. It is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, while there may be some physical product characteristics which manufacturers use to describe uncovered innerspring units, it may be that only select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. The Department attempts to rank the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the antidumping duty questionnaires, we must receive comments at the above-referenced address by February 11, 2008. Additionally, rebuttal comments must be received by February 21, 2008.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for (i) at least 25 percent of the total production of the domestic like product and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law. See *USEC, Inc.* v. *United States*, 132 F. Supp. 2d 1, 8 (CIT 2001), citing *Algoma Steel Corp. Ltd.* v. *United States*, 688 F. Supp. 639, 644 (1988), aff'd 865 F.2d 240 (CAFC 1989), *cert.* denied 492 U.S. 919 (1989).

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.'' Thus, the reference point from which the analysis of the domestic like product begins is ''the article subject to an investigation'' (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that uncovered innerspring units constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product. For a discussion of the domestic-like-product analysis in this case, see the following documents, on file in the Central Records Unit, Room 1117 of the main Department of Commerce building: Antidumping Investigation Initiation Checklist: Uncovered Innerspring Units from the People's Republic of China (PRC Initiation Checklist), Industry Support at Attachment II; the Antidumping Investigation Initiation Checklist: Uncovered Innerspring Units from South Africa (South Africa Initiation Checklist), Industry Support at Attachment II; and the Antidumping Investigation Initiation Checklist: Uncovered Innerspring Units from the Socialist Republic of Vietnam (Vietnam Initiation Checklist), Industry Support at Attachment II.

The Department's review of the data provided in the Petitions, supplemental submissions, and other information

readily available to the Department indicates that the petitioner has established industry support. First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support. See, *e.g.*, section 732(c)(4)(D) of the Act. Second, the domestic producers have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product. Finally, the domestic producers have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions. Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. See PRC Initiation Checklist at Attachment II (Industry Support), South Africa Initiation Checklist at Attachment II (Industry Support), and Vietnam Initiation Checklist at Attachment II (Industry Support).

The Department finds that the petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the initiation of the antidumping investigations that it is requesting. See *id*.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value. The petitioner contends that the industry's injured condition is illustrated by the following circumstances: reduced market share; lost sales; reduced production capacity and capacity-utilization rate; reduced shipments; underselling and price depressing and suppressing effects; lost revenue; reduced employment; decline in financial performance; an increase in import penetration. We have assessed the allegations and supporting evidence regarding material injury and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. See PRC Initiation Checklist at Attachment III (Injury), South Africa Initiation Checklist at Attachment III (Injury), and Vietnam Initiation Checklist at Attachment III (Injury).

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate these investigations of imports of uncovered innerspring units from the PRC, South Africa, and Vietnam. The sources of data for the deductions and adjustments relating to the U.S. prices, a home-market price (for South Africa), and the factors of production (for the PRC and Vietnam) are also discussed in the country-specific initiation checklists. See PRC Initiation Checklist, South Africa Initiation Checklist, and Vietnam Initiation Checklist. Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determinations, we will reexamine the information and revise the margin calculations, if appropriate.

PRC

Export Price

For U.S. price, the petitioner relied on price quotes for three specific models of Chinese-manufactured uncovered innerspring units that were offered for sale during the POI. See Petitions, Volume II at 1 and Exhibit PRC–1, and the PRC Supplement to the Petition at 1 and Exhibit 2. The petitioner deducted from the starting price the costs associated with exporting and delivering the product, including a distributor markup fee, ocean freight and insurance charges, U.S. duty, port and wharfage fees, domestic inland freight, and domestic brokerage and handling charges. See Petitions, Volume II at 2–4 and Exhibit PRC–2, and the PRC Supplement to the Petition at Exhibit 8.

Normal Value

The petitioner asserts that the Department considers the PRC to be a non-market-economy country (NME) and, therefore, constructed normal value based on the factors-of-production methodology pursuant to section 773(c) of the Act. Recently, the Department examined the PRC's market status and determined that NME status should continue for the PRC. See *Memorandum from the Office of Policy to David M. Spooner, Assistant Secretary for Import Administration, Regarding the People's Republic of China Status as a Non-Market Economy*, dated May 15, 2006. (This document is available online at *http://ia.ita.doc.gov/download/prc-nme-status/prc-nme-status-memo.pdf*.) In addition, in two recent investigations, the Department treated the PRC as an NME country. See *Final Determination of Sales at Less Than Fair Value: Certain Activated Carbon from the People's Republic of China*, 72 FR 9508 (March 2, 2007), and *Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China*, 72 FR 19690 (April 19, 2007). In accordance with section 771(18)(C)(i) of the Act, the NME status remains in effect until revoked by the Department. The NME status of the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the normal value of the product is appropriately based on factors of production valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

The petitioner asserts that India is the appropriate surrogate country for valuing the factors of production for the PRC because India is (1) a significant producer of identical merchandise and (2) at a level of economic development comparable to that of the PRC. See Petitions, Volume II at 5–6 and Exhibit PRC–6. Because the information provided in the Petitions satisfies the elements for selecting a surrogate country, we believe that the petitioner's use of India as a surrogate country is appropriate for purposes of initiating this investigation. After the initiation of the investigation, we will solicit comments regarding selection of a surrogate country. Also, pursuant to 19 CFR 351.301(c)(3)(i), interested parties will be provided with an opportunity to submit publicly available information to value the factors of production within 40 days of the date of publication of the preliminary determination.

The petitioner provided dumping-margin calculations using the Department's NME methodology as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. The petitioner calculated normal value for the U.S.

prices discussed above based on its own experience for producing uncovered innerspring units, which it states is consistent with the standard methodology for the production of uncovered innerspring units. The petitioner also states that Chinese producers use substantially the same material inputs and production processes as U.S. producers. See Petitions, Volume II at 6–12 and Exhibit PRC–7. The petitioner states that the primary material used to produce both ''pocketed'' and ''non-pocketed'' uncovered innerspring units is carbon steel wire. See Petitions, Volume II at pages 9 and Exhibit PRC–7.

For the normal-value calculations, pursuant to section 773(c)(4) of the Act, the petitioner used surrogate values from a variety of sources, including Indian import statistics from the *World Trade Atlas*, the International Energy Agency's (IEA) *Energy Prices & Taxes 2003* edition, the Department's NME Wage Rate for the PRC, the American Chemistry Council, and publicly available financial statements, to value the factors of production. See Petitions, Volume II at 6–13 and Exhibits PRC 8–16, the PRC Supplement to the Petition at Exhibits 9 and 10, and the PRC Second Supplement to the Petition at Exhibit 2. The petitioner converted the inputs valued in Indian rupees to U.S. dollars based on the average rupee/U.S. dollar exchange rate for the POI, as reported on the Department's Web site at *http://ia.ita.doc.gov/exchange/index.html*.

The petitioner identifies steel wire, steel clips, fabric, and industrial glue as raw materials in the production of uncovered innerspring units. For steel wire, the main raw material in the production of uncovered innerspring units, the petitioner provided a surrogate value based on Indian imports from November 2006 through April 2007, inflated to the POI using a Wholesale Price Index (WPI) inflator. See Petitions, Volume II at 9–10 and Exhibit PRC–9, and the PRC Supplement to the Petition at Exhibit 10. For steel clips, the petitioner has provided a surrogate value based on Indian imports from June 2005 through May 2006 used previously by the Department, inflated to the POI using a WPI inflator. *Id*. For fabric, the petitioner has provided a surrogate value based on Indian imports from November 2006 through April 2007, inflated to the POI using a WPI inflator. *Id*. For labor, the petitioner submitted a labor-usage rate which was valued using the Department's NME Wage Rate for the PRC. See Petitions, Volume II at 11 and Exhibits PRC–7 and PRC–10, and the PRC Supplement to the Petition at 6 and Exhibits 9 and 10. The petitioner has submitted two surrogate values for energy inputs, *i.e.*, electricity and natural gas. With regard to electricity, the petitioner provided a surrogate value using the IEA's *Energy Prices & Taxes* 2003 edition, which petitioner inflated to the POI, as the electricity value is based on the price paid by industrial users in India in 2000. See Petitions, Volume II at 11–12 and Exhibit PRC–11. With regard to natural gas, the petitioner provided a surrogate value from the American Chemistry Council, which the Department has used in a previous investigation. See Petitions, Volume II at 11–12 and Exhibit PRC–12, and the PRC Supplement to the Petition at 7 and Exhibit 10. The petitioner valued six packing inputs: plastic wrap, paper, labels, steel straps, pallets, and ladders/crates. For each packing input, the petitioner used Indian import statistics obtained through the *World Trade Atlas* and excluded data pertaining to NME and subsidy countries. See Petitions, Volume II at 10–11 and Exhibits PRC–1, PRC–8 and PRC–13, and the PRC Supplement to the Petition at 7–8 and Exhibit 10.

For the normal-value calculations, the petitioner submitted the figures for factory overhead, selling, general, and administrative expenses, and profit from the financial ratios of an Indian producer of fabricated wire products, Lakshmi Precision Screws Limited. The Department used these ratios to initiate two other recent investigations and the financial statements covered the period of April 2005 to March 2006. See Petitions, Volume II at 3 and Exhibit PRC–15. We did not make any adjustments to the normal value as calculated by the petitioner because we determined that the petitioner used adequate sources and has calculated normal value accurately using those sources.

Vietnam

Export Price

The petitioner based its U.S. price calculation on a price quote for a specific model of uncovered innerspring units produced in Vietnam that were offered for sale before the POI. The petitioner states that this price quote remained in effect during the POI. See the Vietnam Second Supplement to the Petition, at Exhibit 1. The petitioner calculated an average net U.S. Price by subtracting an estimate for U.S. distributor markup, ocean freight, marine insurance, U.S. port charges, foreign inland freight, and brokerage and handling costs from the gross unit price reflected in the price quote of imports for the POI. See *id.* at Exhibit 2.

Normal Value

Because the Department considers Vietnam to be an NME country, the petitioner constructed normal value based on the factors-of-production methodology pursuant to section 773(c) of the Act. The Department has examined Vietnam's market status and determined that Vietnam should be treated as an NME. See *Memorandum from the Office of Policy to Faryar Shirzad, Assistant Secretary for Import Administration, Antidumping Duty Investigation of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam—Determination of Market Economy Status*, November 8, 2002 (this document is available online at *http://ia.ita.doc.gov/download/vietnam-nme-status/vietnam-market-status-determination.pdf*). In addition, in two recent administrative reviews, the Department treated Vietnam as an NME country. *See Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of the Second Administrative Review*, 72 FR 13242 (March 21, 2007), and *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the First Antidumping Duty Administrative Review and First New Shipper Review*, 72 FR 52052 (September 12, 2007). In accordance with section 771(18)(C)(i) of the Act, the NME status remains in effect until revoked by the Department. The presumption of the NME status of Vietnam has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the normal value of the product is based on factors of production valued in a surrogate market-economy country in accordance with section 773(c) of the Act. During the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of Vietnam's NME status and the granting of separate rates to individual exporters.

The petitioner asserts that India is the most appropriate surrogate country for Vietnam because India is a significant producer of comparable merchandise and at a level of economic development comparable to Vietnam. See Petitions, Volume IV at 5–7. Because the information provided in the Petitions satisfies the elements for selecting a surrogate country, we believe that the petitioner's use of India as a surrogate country is appropriate for purposes of

initiating this investigation. After the initiation of the investigation, we will solicit comments regarding surrogate-country selection. Also, pursuant to 19 CFR 351.301(c)(3)(i), interested parties will be provided with an opportunity to submit publicly available information to value the factors of production within 40 calendar days after the date of publication of the preliminary determination.

The petitioner provided dumping-margin calculations using the Department's NME methodology as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. The petitioner calculated normal value based on its own consumption rates of raw materials, labor, and energy inputs used in 2007. The petitioner asserts that, to the best of its knowledge, these consumption amounts should be similar to those used by Vietnamese producers, except for the use of natural gas, which is discussed below. See Petitions, Volume IV at 8.

Pursuant to section 773(c)(4) of the Act, the petitioner used surrogate values derived from publicly available sources to value the factors of production. For direct materials and packing materials, the petitioner calculated weighted-average surrogate values using Indian import statistics from the *World Trade Atlas* or values calculated by the Department in previous cases using Indian import statistics from the *World Trade Atlas.* See Petitions, Volume IV at Exhibit V–9 and V–13. Consistent with the Department's practice, the petitioner excluded from its weighted-average calculation imports from NME countries and countries that may provide broadly available non-industry-specific export subsidies. Finally, the petitioner added a value to the material inputs to account for freight charges. The petitioner calculated the freight charge based on the estimated distance from several of the Vietnamese producers to the nearest port in Ho Chi Minh City. See Petitions, Volume IV at Exhibit V–16, and the Vietnam Supplement to the Petition, at 1 and Exhibits 1 and 8.

The petitioner valued labor using the expected wage rate for Vietnam provided by the Department on its website. See Petitions, Volume IV at Exhibit V–10. For electricity, the petitioner provided a surrogate value from the *International Energy Agency's Key World Energy Statistics 2003*, as cited in the Memorandum to the File, entitled ''Antidumping Duty Administrative Review of Glycine from the People's Republic of China: Surrogate Values for the Preliminary Results,'' April 2, 2007. See Petitions, Volume IV at Exhibit V–11.

The petitioner asserts that, although it no longer uses natural gas-heated ovens to temper its coils, it believes that the Vietnamese producers still use this process. The petitioner asserts that, therefore, it is using its own past experience of using natural gas-heated ovens to temper the coils as the best available estimate of the Vietnamese production process. To value natural gas, the petitioner provided a surrogate value from the *American Chemistry Council*, which the Department has used in a previous investigation of steel wire garment hangers from the People's Republic of China. See Petitions, Volume IV at Exhibit V–12. The petitioner converted the inputs valued in Indian rupees to U.S. dollars based on the average rupee/U.S. dollar exchange rate for the POI, as reported on the Department's Web site at *http://ia.ita.doc.gov/exchange/index.html.* When the surrogate values were not contemporaneous with the POI, the petitioner adjusted the values using the wholesale price index in India as published in the *International Financial Statistics* of the International Monetary Fund. See Petitions, Volume IV at Exhibits V–9 through V–14.

For the normal-value calculations, the petitioner derived the figures for factory overhead, selling, general, and administrative expenses, and profit from the financial statements of Lakshmi Precision Screw, an Indian producer of fabricated wire products. The financial statement that the petitioner provided covered the period of April 2005 to March 2006. We did not make any adjustments to the normal value as calculated by the petitioner because we determined that the petitioner used adequate sources and has calculated normal value accurately using those sources.

South Africa

Export Price

The petitioner calculated export price based on pricing information during the POI obtained from its U.S. customer of South African-produced uncovered innerspring units sold, or offered for sale, by U.S. importers of the subject merchandise. See Petitions, Volume III at 1–2 and Exhibits SA–1 and SA–2, and the South Africa Supplement to the Petition at page 1. The petitioner made adjustments to the starting price, where applicable, for foreign inland freight, ocean freight, marine insurance, and U.S. customs and port fees. The petitioner calculated foreign inland freight based on the petitioner's South African subsidiary's transportation experience and the related shipping costs it incurs. The petitioner calculated ocean freight and marine insurance based on price quotes obtained from a freight forwarder and an insurance provider. U.S. customs and port fees (*i.e.*, harbor maintenance and processing fees) were based on standard U.S. government percentages, as applied to the petitioner's estimate of entered value.

Normal Value

The petitioner was able to estimate domestic South African prices for uncovered innerspring units using market intelligence gathered by its South African subsidiary on pricing information related to its competitor, a major manufacturer of the foreign like product. The petitioner also provided its South African subsidiary's actual price to an unaffiliated customer in South Africa for uncovered innerspring units it sold during the POI. See Petitions, Volume III at 4 and Exhibits SA–4 and SA–10, and the South Africa Supplement to the Petition at 2. Because the petitioner's South African subsidiary's actual price to an unaffiliated customer was sufficient to use in calculating normal value, we did not need to use the petitioner's estimate of a competitor's price offered for the foreign like product during the POI. See Petitions, Volume III at Exhibit SA–10.

To arrive at normal value, the petitioner made adjustments to the starting price, where applicable, for home-market and U.S. credit expenses and U.S. packing costs. The petitioner did not make an adjustment to home-market price for foreign inland freight costs because it claims such costs are minimal due to the South African manufacturer's proximity to its customer. To calculate home-market credit expenses, the petitioner used the payment terms its South African subsidiary extends to its customer. The petitioner did not make an adjustment for home-market packing expenses because its South African subsidiary does not pack foreign like product for shipment to its customer. The petitioner calculated U.S. packing costs based on the experience of its South African subsidiary and the packing type it uses for export shipments. To calculate U.S. credit expenses, the petitioner used the payment terms associated with the pricing information of a U.S. sale, discussed above.

Fair-Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of uncovered innerspring units from the PRC, South Africa, and Vietnam are being, or are likely to be,

sold in the United States at less than fair value. Based on comparisons of export price to normal value, calculated in accordance with section 773(c) of the Act, the estimated dumping margins for uncovered innerspring units from the PRC range from 55.95 percent to 234.51 percent and the estimated dumping margin for uncovered innerspring units from Vietnam is 116.31. See PRC Initiation Checklist and Vietnam Initiation Checklist, respectively. Based on a comparison of export price to normal value, calculated in accordance with section 773(a)(1) of the Act, the revised estimated dumping margin for uncovered innerspring units from South Africa is 121.39 percent. See South Africa Initiation Checklist.

Initiation of Antidumping Investigations

Based upon the examination of the Petitions on uncovered innerspring units from the PRC, South Africa, and Vietnam, the Department finds that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of uncovered innerspring units from the PRC, South Africa, and Vietnam are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act, unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Separate Rates

In order to obtain separate-rate status in NME investigations, exporters and producers must submit a separate-rate status application. See, *e.g.*, Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries (April 5, 2005) (Separate Rates and Combination Rates Bulletin), available on the Department's Web site at *http://ia.ita.doc.gov/policy/bull05–1.pdf.* Based on our experience in processing the separate-rate applications in previous NME antidumping duty investigations, we have modified the application for the NME investigations to make it more administrable and easier for applicants to complete. See, *e.g.*, *Initiation of Antidumping Duty Investigation: Certain New Pneumatic Off-the-Road Tires From the People's Republic of China*, 72 FR 43591, 43594–95 (August 6, 2007). The specific requirements for submitting the separate-rate application in the NME investigations are outlined in detail in the application itself, which will be available on the Department's Web site at *http://ia.ita.doc.gov/ia-highlights-and-news.html* on the date of publication of this initiation notice in the **Federal Register**. The separate-rate application will be due 60 days after publication of this initiation notice.

Selection of Respondents

For these investigations, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POI. We intend to make our decisions regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and the selection of respondents within seven days of publication of this **Federal Register** notice.

Use of Combination Rates in an NME Investigation

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in the NME investigations. For example, the Separate Rates and Combination Rates Bulletin, at page 6, states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation. (Emphasis added.)

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public versions of the Petitions have been provided to the representatives of the Governments of the PRC, South Africa, and Vietnam. We will attempt to provide a copy of the public version of the Petitions to the foreign producers/exporters, consistent with 19 CFR 351.203(c)(2).

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the International Trade Commission

The ITC will preliminarily determine, no later than February 14, 2008, whether there is a reasonable indication that imports of uncovered innerspring units from the PRC, South Africa, and Vietnam are materially injuring, or threatening material injury to, a U.S. industry. A negative ITC determination with respect to any country will result in the investigation being terminated for that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: January 22, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–1438 Filed 1–25–08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review

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

EFFECTIVE DATE: January 28, 2008.

SUMMARY: The Department of Commerce (''the Department'') is currently conducting a new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (''PRC'') covering the period February 1, 2006, through January 31, 2007. We preliminarily determine that the sale made by Ayecue International SLU (''Ayecue International'') of subject merchandise produced by Ayecue (Liaocheng) Foodstuff Co., Ltd. (''Ayecue (Liaocheng)'') (collectively, ''Ayecue'') was not made below normal value (''NV''). If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on entries of subject merchandise during the period of review (''POR'') for any importer-

specific assessment rates that are above *de minimis*.

FOR FURTHER INFORMATION CONTACT: Thomas Martin at (202) 482–3936; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On February 19, 1999, the Department published in the **Federal Register** an amended final determination and antidumping duty order on certain preserved mushrooms from the PRC. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China*, 64 FR 8308 (February 19, 1999) (''*Order*''). On February 20, 2007, we received a timely new shipper review request in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214(c), from an exporter and producer, Ayecue. On April 2, 2007, the Department published a notice in the **Federal Register** initiating a new shipper review for Ayecue. *See Certain Preserved Mushrooms from the People's Republic of China: Initiation of New Shipper Antidumping Duty Review*, 72 FR 15657 (April 2, 2007) (''*Initiation Notice*'').

On September 12, 2007, the Department published a notice in the **Federal Register** of the extension of the preliminary results by 120 days to January 22, 2008. *See Certain Preserved Mushrooms From the People's Republic of China: Extension of Preliminary Results for Eleventh Antidumping Duty New Shipper Review*, 72 FR 52078 (September 12, 2007).

We issued the general antidumping duty questionnaire, along with the standard importer questionnaire for new shipper reviews on April 6, 2007, and received responses in May 2007. We issued supplemental questionnaires from June through November 2007, and received timely responses to those questionnaires.

Period of Review

The POR covers February 1, 2006, through January 31, 2007.

Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species Agaricus bisporus and Agaricus bitorquis. ''Certain Preserved Mushrooms'' refers to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.[1]

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms'' (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.

Affiliation and Determination of Respondent

Based on the evidence on the record of this new shipper review, we preliminarily find that Ayecue (Liaocheng) and Ayecue International are affiliated pursuant to section 771(33)(E) of the Act. Moreover, even though the Department initiated this review with respect to Ayecue (Liaocheng), the Department's review of the record evidence demonstrates that its parent company, Ayecue International, is the true respondent in this segment of the proceeding. This decision is based on the fact that Ayecue International conducted all sales-related activities with respect to the shipment made by Ayecue (Liaocheng) of the merchandise under review to an unaffiliated U.S. customer. Due to the proprietary nature of this issue, for a detailed discussion of our analysis, *see* Memorandum to the File from Thomas Martin, International Trade Compliance Analyst, AD/CVD Operations, to Abdelali Elouaradia, Director, AD/CVD Operations, ''Certain Preserved Mushrooms from the People's Republic of China: Affiliation of Ayecue (Liaocheng) Foodstuff Co., Ltd., and Ayecue International SLU, and Treatment of Sales, '' dated concurrently with this notice (''Ayecue Affiliation and Treatment of Sales Memorandum'').

Bona Fide Analysis

Consistent with the Department's practice, we investigated the *bona fide* nature of the sale made by Ayecue International for this new shipper review. In evaluating whether or not a single sale in a new shipper review is commercially reasonable, and therefore *bona fide*, the Department considers, *inter alia*, such factors as: (1) The timing of the sale; (2) the price and quantity; (3) the expenses arising from the transaction; (4) whether the goods were resold at a profit; and (5) whether the transaction was made on an arm's-length basis. *See Tianjin Tiancheng Pharmaceutical Co., Ltd.* v. *United States*, 366 F. Supp. 2d 1246, 1250 (CIT 2005). Accordingly, the Department considers a number of factors in its *bona fide* analysis, ''all of which may speak to the commercial realities surrounding an alleged sale of subject merchandise.'' *See Hebei New Donghua Amino Acid Co., Ltd.* v. *United States*, 374 F. Supp. 2d 1333, 1342 (CIT 2005) (*citing Fresh Garlic From the People's Republic of China: Final Results of Antidumping Administrative Review and Rescission of New Shipper Review*, 67 FR 11283 (March 13, 2002) and accompanying Issues and Decision Memorandum).

We preliminarily found that the U.S. sale made by Ayecue International during the POR was made on a *bona fide* basis. Specifically, we found that: (1) The timing of the sale does not indicate that the sale might not be *bona fide*; (2) the price and quantity of the sale were within the range of the prices and quantities of other entries of subject merchandise from the PRC into the United States during the POR, based upon the Department's review of data obtained from CBP; (3) Ayecue International and its customer did not incur any extraordinary expenses arising from the transaction; (4) the sale was resold at a profit; and (5) the sale

[1] On June 19, 2000, the Department affirmed that ''marinated,'' ''acidified,'' or ''pickled'' mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. *See* ''Recommendation Memorandum-Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,'' dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit (''CAFC''). *See Tak Fat* v. *United States*, 396 F.3d 1378 (Fed. Cir. 2005).

was made between unaffiliated parties at arm's-length.[2]

Based on our review of the record evidence concerning the *bona fide* nature of this sale, as well as Ayecue International's eligibility for a separate rate (*see* ''Separate Rates Determination'' section, below) and the Department's determination that the seller was not affiliated with any exporter or producer that had previously shipped subject merchandise to the United States, we preliminarily determine that Ayecue International has met the requirements to qualify as a new shipper during the POR. Therefore, for purposes of these preliminary results, we are treating the sale of subject merchandise to the United States as an appropriate transaction for this new shipper review.

NME Country Status

In every case conducted by the Department involving the PRC, the PRC has been treated as a non-market economy (''NME'') country. *See Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review,* 71 FR 66304 (November 14, 2006). In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. None of the parties to this proceeding have contested such treatment. Accordingly, we calculated NV in accordance with section 773(c) of the Act, which applies to NME countries.

Separate Rates Determination

A designation of a country as an NME remains in effect until it is revoked by the Department. *See* section 771(18)(C) of the Act. Accordingly, there is a rebuttable presumption that all companies within the PRC are subject to government control and, thus, should be assessed a single antidumping duty rate. It is the Department's standard policy to assign all exporters of the merchandise subject to review in NME countries a single rate unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, the Department analyzes each exporting entity in an NME country under the test established in the *Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by the *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994).

As discussed in detail in the Ayecue Affiliation and Treatment of Sales Memorandum, the Department has preliminarily determined that Ayecue (Liaocheng) should not be considered the respondent in this new shipper review. Since Ayecue (Liaocheng) did not have a sale of its own during the POR, we are not making a separate rate determination for Ayecue (Liaocheng).[3] However, we have preliminarily granted Ayecue International its own rate because it is a company located in a market economy country, Spain. This decision is consistent with the Department's practice of granting a separate rate when the seller is located in a market economy country. *See Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Activated Carbon From the People's Republic of China,* 71 FR 59721 (October 11, 2006), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Activated Carbon from the People's Republic of China,* 72 FR 9508 (March 2, 2007); and *Notice of Preliminary Determination of Sales at Less Than Fair Value: Silicomanganese From Kazakhstan,* 66 FR 56639, 56641 (November 9, 2001), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese From Kazakhstan,* 67 FR 15535 (April 2, 2002). Therefore, the Department calculated a company-specific dumping margin for Ayecue International.

Surrogate Country

When the Department investigates imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's factors of production (''FOPs''), valued in a surrogate market-economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more market-economy countries that are at a level of economic development comparable to that of the NME country and are significant producers of comparable merchandise. The sources of the surrogate values we have used in this investigation are discussed under the ''Normal Value'' section, below. On July 12, 2007, the Department determined that India, Sri Lanka, Indonesia, the Philippines, and Egypt are countries comparable to the PRC in terms of economic development, and requested comments from interested parties on selecting the appropriate surrogate country for this review. *See* Letter to All Interested Parties, ''New Shipper Review of Certain Preserved Mushrooms from the People's Republic of China: Ayecue (Liaocheng) Foodstuff Co., Ltd., and Ayecue International SLU,'' dated July 12, 2007. No party submitted surrogate country selection comments.

On August 20, 2007, the Department examined the export levels[4] of subject merchandise from the above-mentioned countries and found that India and Indonesia are significant producers of comparable merchandise. *See* Memorandum from Thomas Martin, International Trade Compliance Analyst, to Abdelali Elouaradia, Director, ''Antidumping Duty New Shipper Review of Certain Preserved Mushrooms from the People's Republic of China: Selection of a Surrogate Country,'' dated August 20, 2007 (''Surrogate Country Memorandum''), at 4. In selecting the appropriate surrogate country, the Department examines the availability and reliability of data from the countries deemed to be economically comparable and significant producers of subject merchandise. For a description of our practice, *see* Department Policy Bulletin No. 04.1: Non-Market Economy Surrogate Country Selection Process (March 1, 2004). In this case, we found that India has publicly available and reliable data that is more contemporaneous with the POR than is Indonesia's data. *See* Surrogate Country Memorandum at 4–5. Therefore, since India is a significant producer of comparable merchandise, is at a similar level of economic development, and has publicly available and reliable data contemporaneous with the POR, the Department selected India as the

[2] *See* Memorandum from Thomas Martin, International Trade Compliance Analyst, to Abdelali Elouaradia, Director, Office 4, ''*Bona Fide* Sales Analysis for Ayecue (Liaocheng) Foodstuff Co., Ltd. and Ayecue International SLU,'' dated concurrently with this notice.

[3] The Department notes that although Ayecue (Liaocheng) submitted a separate rate application and complete information in its Section A questionnaire response, the record evidence demonstrates that Ayecue International was the seller of the merchandise. *See* Ayecue Affiliation and Treatment of Sales Memorandum.

[4] The Department was unable to find world production data for subject merchandise and relied on export data as a substitute for overall production.

surrogate country, pursuant to section 773(c)(4) of the Act. *See* Surrogate Country Memorandum at 5.

Fair Value Comparisons

To determine whether Ayecue's sale of subject merchandise to the United States was made at a price below NV, we compared its U.S. price to NV, as described in the ''U.S. Price'' and ''Normal Value'' sections of this notice, below.

U.S. Price

In accordance with section 772(a) of the Act, we based U.S. price on the export price (''EP'') of the sale to the United States by Ayecue International because the first sale to an unaffiliated party was made before the date of importation and the use of constructed export price (''CEP'') was not otherwise warranted. We calculated EP based on the free-on-board price to the first unaffiliated purchaser in the United States. For this EP sale, we deducted foreign inland freight and foreign brokerage and handling from the starting price (or gross unit price), in accordance with section 772(c) of the Act. For Ayecue International's U.S. sale, each of these services was either provided by an NME vendor or paid for using an NME currency. Thus, we based the deduction of these movement charges on surrogate values. We valued foreign inland freight with the surrogate value for truck freight, which we obtained from www.infreight.com. This source provides daily rates per truck load from six major points of origin to five different destinations in India. *See* Memorandum from Thomas Martin, International Trade Compliance Analyst, to the File, ''New Shipper Review of Certain Preserved Mushrooms from the People's Republic of China: Surrogate Values for the Preliminary Results,'' dated concurrently with this notice (''Surrogate Values Memorandum''), at Exhibit 8. We valued foreign brokerage and handling with the publicly summarized brokerage and handling expense reported by an Indian mushroom processor, Agro Dutch Industries, Ltd. (''Agro Dutch''), in the 2004–2005 administrative review of Certain Preserved Mushrooms from India. *Id.* at Exhibit 9.

Normal Value

1. Methodology

Section 773(c)(1)(B) of the Act provides that the Department shall determine the NV using an FOP methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. The Department bases NV on FOPs because the presence of government controls on various aspects of NMEs renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies. *See Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part,* 70 FR 39744 (July 11, 2005), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of 2003–2004 Administrative Review and Partial Rescission of Review,* 71 FR 2517 (January 17, 2006).

We calculated NV by adding together the value of the FOPs, general expenses, profit, and packing costs. The FOPs for subject merchandise include: (1) Quantities of raw materials employed; (2) hours of labor required; (3) amounts of energy and other utilities consumed; (4) representative capital and selling costs; and (5) packing materials. We used the FOPs reported by Ayecue for materials, energy, labor, and packing, and valued those FOPs by multiplying the amount of the factor consumed in producing subject merchandise by the average unit surrogate value of the factor.

In accordance with 19 CFR 351.408(c)(1), when a producer sources an input from a market-economy country and pays for it in a market-economy currency, the Department will normally value the FOP using the actual price paid for the input. *See* 19 CFR 351.408(c)(1); *see also Lasko Metal Products* v. *United States,* 43 F.3d 1442, 1445–1446 (Fed. Cir. 1994) (affirming the Department's use of market-based prices to value certain FOPs). The Department has instituted a rebuttable presumption that market economy input prices are the best available information for valuing an input when the total volume of the input purchased from all market economy sources during the period of investigation or review is 33 percent or greater of the total volume of the input purchased from all sources during the period. In these cases, unless case-specific facts provide adequate grounds to rebut the Department's presumption, the Department will use the weighted-average market economy purchase price to value the input. Alternatively, when the volume of an NME firm's purchases of an input from market economy suppliers during the period is below 33 percent of its total volume of purchases of the input during the period, but where these purchases are otherwise valid and there is no reason to disregard the prices, the Department will weight-average the weighted-average market economy purchase price with an appropriate surrogate value according to their respective shares of the total volume of purchases, unless case-specific facts provide adequate grounds to rebut the presumption. When a firm has made market economy input purchases that may have been dumped or subsidized, are not *bona fide,* or are otherwise not acceptable for use in a dumping calculation, the Department will exclude them from the numerator of the ratio to ensure a fair determination of whether valid market economy purchases meet the 33 percent threshold. *See Antidumping Methodologies: Market Economy Inputs, Expected Non-Market Economy Wages, Duty Drawback; and Request for Comments,* 71 FR 61716 (October 19, 2006). In this case, Ayecue reported that it did not purchase any inputs from market economy sources.

In addition, we added freight costs to the surrogate costs that we calculated for material inputs. We calculated freight costs by multiplying surrogate freight rates by the shorter of the reported distance from the domestic supplier to the factory that produced the subject merchandise or the distance from the nearest seaport to the factory that produced the subject merchandise, as appropriate. Where there were multiple domestic suppliers of a material input, we calculated a weighted-average distance after limiting each supplier's distance to no more than the distance from the nearest seaport to Ayecue (Liaocheng). This adjustment is in accordance with the decision by the CAFC in *Sigma Corp.* v. *United States,* 117 F.3d 1401, 1407–1408 (Fed. Cir. 1997). We increased the calculated costs of the FOPs for surrogate general expenses and profit. *See* Surrogate Value Memorandum.

2. Selection of Surrogate Values

In selecting surrogate values, we followed, to the extent practicable, the Department's practice of choosing public values which are non-export averages, representative of a range of prices in effect during the POR, or over a period as close as possible in time to the POR, product-specific, and tax-exclusive. *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of*

Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam, 69 FR 42672, 42682 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam,* 69 FR 71005 (December 8, 2004). We also considered the quality of the source of surrogate information in selecting surrogate values. *See Manganese Metal From the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 63 FR 12440 (March 13, 1998). Where we could only obtain surrogate values that were not contemporaneous with the POR, we inflated (or deflated) the surrogate values using, where appropriate, the Indian Wholesale Price Index (''WPI'') as published in *International Financial Statistics* by the International Monetary Fund. *See* Factor Value Memorandum.

In calculating surrogate values from import statistics, in accordance with the Department's practice, we disregarded statistics for imports from NME countries and countries deemed to maintain broadly available, non-industry-specific subsidies which may benefit all exporters to all export markets (*e.g.*, Indonesia, South Korea, and Thailand). *See, e.g., Final Determination of Sales at Less Than Fair Value: Certain Automotive Replacement Glass Windshields From The People's Republic of China,* 67 FR 6482 (February 12, 2002) and accompanying Issues and Decision Memorandum at Comment 1. *See also Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China,* 68 FR 66800, 66808 (November 28, 2003), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China,* 69 FR 20594 (April 16, 2004). Additionally, we excluded from our calculations imports that were labeled as originating from an unspecified country because we could not determine whether they were from an NME country.

To value the fresh mushroom input, the Department used data from the fiscal year 2005–2006 financial statement of Agro Dutch. *See* Surrogate Values Memorandum, at Exhibit 3.

We valued other raw material inputs (salt, citric acid, vitamin C, tin cans and tin lids) using weighted-average Indian import values derived from the World Trade Atlas online (''WTA''), for the period February 2006 through January 2007. *See* Surrogate Values Memorandum. In addition, we valued packing inputs (cartons, labels, tape, and glue) with weighted-average Indian import values derived from the WTA. The Indian import statistics obtained from the WTA were published by the Indian Directorate General of Commercial Intelligence and Statistics, Ministry of Commerce of India and are contemporaneous with the POR. As the Indian surrogate values were denominated in rupees, in accordance with 773A(a) of the Act, they were converted to U.S. dollars using the official exchange rate for India recorded on the date of sale of subject merchandise in this case. *See http://www.ia.ita.doc.gov/exchange/index.html.*

To value electricity, the Department used the 2000 electricity price in India reported in *Energy Prices & Taxes, Second Quarter 2003,* published by the International Energy Agency. *See* Surrogate Values Memorandum at Exhibit 5, containing information obtained from data.iea.org. Since the electricity rates were not contemporaneous with the POR, the Department adjusted the value for inflation. *Id.* at Exhibit 5.

To value natural gas, the Department used information from the Natural Gas Authority of India, from February 2005. Because the information was not contemporaneous with the POR, we adjusted the average cost of natural gas for inflation. *See* Surrogate Values Memorandum, at Exhibit 6.

To value water, the Department used data from the Maharastra Industrial Development Corporation (*www.midcindia.org*) for June 2003, which it found to be the best available information since it includes a wide range of industrial water rates. Since the water rates were not contemporaneous with the POR, the Department adjusted the value for inflation. *See* Surrogate Values Memorandum, at Exhibit 7.

To value inland freight expenses incurred for transporting raw materials and finished subject merchandise, we used data from *www.infreight.com.* This source provides daily rates per truck load from six major points of origin to five different destinations in India, from February through July 2005. Since these freight rates are not contemporaneous with the POR, the Department adjusted the value for inflation. *See* Surrogate Values Memorandum, at Exhibit 8.

19 CFR 351.408(c)(3) requires the use of a regression-based wage rate. Therefore, to value labor, the Department used the regression-based wage rate for the PRC published on the Import Administration Web site. *See http://ia.ita.doc.gov/wages/04wages/04wages-010907.html.*

To value brokerage and handling, the Department used the publicly summarized average brokerage and handling expenses reported in the U.S. sales listings of Agro Dutch's May 24, 2005, submission in the sixth antidumping duty review of certain preserved mushrooms from India. *See* Surrogate Values Memorandum, at Exhibit 9.

To value the surrogate financial ratios for factory overhead (''OH''), selling, general & administrative (''SG&A'') expenses, and profit, the Department used the 2005–2006 (April 2005 through March 2006) financial statements of Agro Dutch and Flex Foods Ltd. (''Flex Foods'').[5] The Department notes that Agro Dutch is a processor of mushrooms, and Flex Foods is an Indian producer of mushrooms and vegetable products. Therefore, Agro Dutch's and Flex Foods' financial ratios for OH and SG&A are comparable to Ayecue (Liaocheng)'s financial ratios because Agro Dutch's and Flex Foods' production experience is comparable to Ayecue (Liaocheng)'s production experience. Additionally, the financial statements of these two companies are contemporaneous for two months of the POR. Moreover, an average of the financial statements of Agro Dutch and Flex Foods represents a broader spectrum of the Indian mushroom industry, than the financial statement of a single mushroom producer. *See* Surrogate Values Memorandum, at Exhibit 10.

Currency Conversion

We made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. These exchange rates can be accessed at the Web site of Import Administration at *http://ia.ita.doc.gov/exchange/index.html.*

Combination Rate

In new shipper reviews, where subject merchandise is exported to the United States by a company that is not the producer of the merchandise, the Department may, pursuant to 19 CFR 351.107(b), establish a combination cash

[5] Both Agro Dutch and Flex Foods have a fiscal year of April to March.

deposit rate for each combination of the exporter and its supplying producer(s). *See Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review,* 67 FR 72139 at 72140 (December 4, 2002), *Notice of Final Results of Antidumping Duty New Shipper Review: Certain In-Shell Raw Pistachios From Iran,* 68 FR 353 at 354 (January 3, 2003), and *Certain Forged Stainless Steel Flanges From India: Final Results of Antidumping Duty New Shipper Review,* 68 FR 351 (January 3, 2002). The Department has preliminarily determined that a combination rate is appropriate in this case, as Ayecue International is not the producer of the subject merchandise. Therefore, the Department will include in its cash deposit instructions to CBP appropriate language to enforce the final results of this review on the basis of a combination rate involving Ayecue International and Ayecue (Liaocheng).

Preliminary Results of Review

We preliminarily determine that the following margin exists during the period February 1, 2006, through January 31, 2007:

Exporter	Manufacturer	Weighted-average margin (percentage)
Ayecue International SLU	Ayecue (Liaocheng) Foodstuff Co., Ltd.	0.00

Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days after the date of publication of these preliminary results. Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs), which must be limited to issues raised in the case briefs, within five days after the time limit for filing case briefs. *See* 19 CFR 351.309(c)(1)(ii) and 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments.

Any interested party may request a hearing within 30 days of publication of this notice. *See* 19 CFR 351.310(c). Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c). Issues raised in the hearing will be limited to those raised in the briefs.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Act, the Department will issue the final results of this new shipper review, including the results of our analysis of the issues raised by the parties in their comments, within 90 days of publication of these preliminary results.

Assessment Rates

Upon issuing the final results of the review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*. However, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of these reviews and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements, when imposed, will be effective upon publication of the final results of this new shipper review for all shipments of subject merchandise exported by Ayecue International and produced by Ayecue (Liaocheng) entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by Ayecue International and produced by Ayecue (Liaocheng), the cash-deposit rate will be that established in the final results of this review; (2) for subject merchandise exported by Ayecue International but not manufactured by Ayecue (Liaocheng), the cash deposit rate will continue to be the PRC-wide rate (*i.e.*, 198.63 percent); and (3) for subject merchandise manufactured by Ayecue (Liaocheng) but exported by any party other than Ayecue International, the cash deposit rate will be the rate applicable to the exporter. If the cash deposit rate calculated for Ayecue International in the final results is zero or *de minimis*, no cash deposit will be required for entries of subject merchandise exported by Ayecue International and produced by Ayecue (Liaocheng). These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(h)(i).

Dated: January 18, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–1444 Filed 1–25–08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–808]

Stainless Steel Wire Rods From India: Final Results of Antidumping Duty New-Shipper Review

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

SUMMARY: On October 26, 2007, the Department of Commerce published the preliminary results of a new-shipper review of the antidumping duty order on stainless steel wire rods from India. The stainless steel wire rods (wire rods) were produced and exported by Sunflag Iron & Steel Co., Ltd. (Sunflag). The period of review (POR) is December 1, 2005, through November 30, 2006. Based on our analysis of comments received, we have not made any changes to our decision to apply adverse facts available to Sunflag's U.S. sales. Therefore, our final results are identical to our preliminary results. The final results are listed below in the section entitled ''Final Results of the New-Shipper Review''.

EFFECTIVE DATE: January 28, 2008.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1757 and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 26, 2007, the Department of Commerce (the Department) published the preliminary results of the new-shipper review of the antidumping duty order on stainless steel wire rods from India. See *Stainless Steel Wire Rods from India: Preliminary Results of Antidumping Duty New-Shipper Review,* 72 FR 60808 (October 26, 2007). We invited interested parties to comment on the preliminary results. Sunflag filed a case brief on November 26, 2007. Domestic interested parties, Carpenter Technology Corp., North American Stainless, and Universal Stainless & Alloy Products, Inc., filed a rebuttal brief on November 27, 2007.

Scope of the Order

The merchandise under review is wire rods, which are hot-rolled or hot-rolled annealed and/or pickled rounds, squares, octagons, hexagons or other shapes, in coils. Wire rods are made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are only manufactured by hot-rolling and are normally sold in coiled form, and are of solid cross section. The majority of wire rods sold in the United States are round in cross-section shape, annealed, and pickled. The most common size is 5.5 millimeters in diameter.

The wire rods subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive of whether the merchandise is covered by the order.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this new-shipper 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 January 17, 2008, which is hereby adopted by this notice. A list of the issues which the parties have raised and to which we have responded is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised and corresponding recommendations in this public memorandum, which is on file in Import Administration's Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the Decision Memorandum is available on the Internet at *http://iaita.doc.gov/frn/index.html.* The paper copy and electronic version of the Decision Memorandum are identical in content.

No Changes Since the Preliminary Results

Based on our analysis of the comments received, the Department has made no changes in the final results from the preliminary results of new-shipper review and confirms its decision to apply adverse facts available to Sunflag's U.S. sales. Accordingly, as a result of our review we determine that a dumping margin of 48.80 percent exists for Sunflag for the period December 1, 2005, through November 30, 2006.

Final Results of the New-Shipper Review

We determine that the adverse facts-available margin on stainless steel wire rods from India produced and exported by Sunflag for the period December 1, 2005, through November 30, 2006, is 48.80 percent.

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Because we are relying on total adverse facts available to establish Sunflag's dumping margin, we will instruct CBP to apply a dumping margin of 48.80 percent to all entries of subject merchandise during the POR that were produced and exported by Sunflag. We intend to issue appropriate assessment instructions directly to CBP 15 days after the publication of these final results of the new-shipper review.

Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of the new-shipper review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, consistent with section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) The cash-deposit rate for stainless steel wire rods that were produced and exported by Sunflag will be 48.80 percent; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash-deposit rate for all other manufacturers or exporters will continue to be the all-others rate of 48.80 percent, which is the all-others rate established in the less-than-fair-value investigation. See *Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Wire Rods from India,* 58 FR 54110 (October 20, 1993). These cash-deposit rates shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to an administrative protective order of their responsibility concerning the disposition of proprietary information disclosed under such an order in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of administrative-protective-order materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an administrative protective order is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: January 17, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix

Comment 1: Errors in Home-Market Sales
Comment 2: Incomplete Home-Market Sales
Comment 3: Miscellaneous Errors
Comment 4: Ill–Preparedness for Verification

[FR Doc. E8–1443 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

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

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with our regulations, we are initiating those administrative reviews. The Department also received a request to revoke one antidumping duty order in part.

EFFECTIVE DATE: January 28, 2008.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2004), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. The Department also received a timely request to revoke in part the antidumping duty order on Honey from Argentina with respect to one exporter.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2008.

	Period to be reviewed
Antidumping Duty Proceedings	
Argentina: Honey, A–357–812	12/01/06–11/30/07
AGLH S.A.	
Algodonera Avellaneda S.A.	
Asociacion de Cooperativas Argentinas.	
Bomare S.A. (Bodegas Miguel Armengol).	
Compania Apicola Argentina S.A.	
Compania Inversora Platense S.A.	
El Mana S.A.	
HoneyMax S.A.	
Mercoline S.A.	
Mielar S.A.	
Nexco S.A.	
Patagonik S.A.	
Productos Afer S.A.	
Seabird Argentina S.A.	
Seylinco, S.A.	
India: Carbazole Violet Pigment 23, A–533–838	12/1/06–11/30/07
Alpanil Industries Limited.	
Pidilite Industries Limited.	
Certain Hot-Rolled Carbon Steel Flat Products, A–533–820	12/1/06–11/30/07
Essar Steel Limited.	
Ispat Industries Limited.	
JSW Steel Limited.	
Tata Steel Limited.	
South Korea: Welded ASTM A–312 Stainless Steel Pipe, A–580–810	12/1/06–11/30/07
SeAH.	
The People's Republic of China: Carbazole Violet Pigment 23,[1] A–570–892	12/1/06–11/30/07
Aesthetic Colortech (Shanghai) Company, Limited.	
Anhui Worldbest IE Company, Limited.	
Cidic Company, Limited.	
Ganguink Group, Pigment Division.	
Goldlink Industries Company, Limited.	
Hunan Sunlogistics International Company, Limited.	
Hygeia-Chem (Shanghai) Company, Limited.	
Nantong Haidi Chemical Company, Limited.	

	Period to be reviewed
Pudong Prime International Logistic Incorporated.	
Shanghai Rainbow Dyes Import & Export.	
Sinocol Corporation, Limited.	
Tianjin Hanchem International Trading Company, Limited.	
Trust Chem Company, Limited.	
Yancheng Tiacheng Chemical Company, Limited.	
Certain Cased Pencils,[2] A–570–827	12/1/06–11/30/07
Anhui Import & Export Co., Ltd.	
Beijing Dixon Stationery Company Ltd.	
China First Pencil Co., Ltd.	
Guangdong Provincial Stationery & Sporting Goods Import & Export Corporation.	
Orient International Holding Shanghai Foreign Trade Corporation.	
Shandong Rongxin Import & Export Co., Ltd.	
Shanghai Three Star Stationary Industry Co., Ltd.	
Tianjin Custom Wood Processing Co., Ltd.	
Three Star Stationery Industry Corp.	
Hand Trucks and Parts Thereof,[3] A–570–891	12/1/06–11/30/07
Qingdao Taifa Group Co., Ltd.	
True Potential Co., Ltd.	
New-Tec Integration (Xiamen) Co., Ltd.	
Since Hardware (Guangzhou) Co., Ltd.	
Honey,[4] A–570–863	12/1/06–11/30/07
Alfred L. Wolff (Beijing) Co., Ltd.	
Anhui Honghui Foodstuff (Group) Co., Ltd.	
Anhui Native Produce Imp & Exp Corp.	
Cheng Du Wai Yuan Bee Products Co., Ltd.	
Chengdu Stone Dynasty Art Stone.	
Dongtai Peak Honey Industry Co., Ltd.	
Eurasia Bee's Products Co., Ltd.	
Golden Tadco Int'l.	
Hangzhou Golden Harvest Health Industry Co., Ltd.	
Hanseatische Nahrungsmittel Fabrik R Import-Export GMBH.	
Haoliluck Co., Ltd.	
Hubei Yusun Co., Ltd.	
Inner Mongolia Altin Bee-Keeping.	
Inner Mongolia Youth Trade Development Co., Ltd.	
Jiangsu Kanghong Natural Healthfoods Co., Ltd.	
Jiangsu Light Industry Products Imp & Exp (Group) Corp.	
Mgl Yung Sheng Honey Co., Ltd. (also DBA Fresh Honey Co., Ltd.).	
Nefelon Limited Company.	
OEI International Inc.	
Qingdao Aolan Trade Co., Ltd.	
QHD Sanhai Honey Co., Ltd.	
Qinhuangdao Municipal Dafeng Industrial Co., Ltd.	
Shanghai Bloom International Trading Co., Ltd.	
Shanghai Foreign Trade Co., Ltd.	
Shanghai Hui Ai Mal Tose Co., Ltd.	
Shanghai Taiside Trading Co., Ltd.	
Sichuan-Dujiangyan Dubao Bee Industrial Co., Ltd.	
Tianjin Eulia Honey Co., Ltd.	
Wuhan Bee Healthy Co., Ltd.	
Wuhan Shino-Food Trade Co., Ltd.	
Wuhu Qinshi Tangye.	
Xinjiang Jinhui Food Co., Ltd.	
Malleable Cast Iron Pipe Fittings,[5] A–570–881	12/1/06–11/30/07
Beijing Sai Lin Ke Hardware Co., Ltd.	
Mueller Comercial de Mexico, S. de R.L. de C.V.	
Porcelain-on-Steel Cooking Ware,[6] A–570–506	12/1/06–11/30/07
Xiamen Songson Plastic Hardware Co., Ltd.	
Pure Magnesium,[7] A–570–832	5/1/06—4/30/07
Tianjin Magnesium International Co., Ltd.	
Countervailing Duty Proceedings	
India: Carbazole Violet Pigment 23, C–533–839	1/1/06–12/31/06
Alpanil Industries Limited.	
Pidilite Industries Limited.	
Certain Hot-Rolled Carbon Steel Flat Products, C–533–821	1/1/07–12/31/07
Essar Steel Ltd.	
Ispat Industries Limited.	
JSW Steel Limited.	
Tata Steel Limited.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of Carbazole Violet Pigment 23 from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[2] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Cased Pencils from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[3] If one of the above named companies does not qualify for a separate rate, all other exporters of Hand Trucks and Parts Thereof from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] If one of the above named companies does not qualify for a separate rate, all other exporters of Honey from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[5] If one of the above named companies does not qualify for a separate rate, all other exporters of Malleable Cast Iron Pipe Fittings from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[6] If one of the above named companies does not qualify for a separate rate, all other exporters of Porcelain-on-Steel Cooking Ware from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[7] On June 29, 2007, (72 FR 35693), we deferred this review for one year. However, Petitioner timely filed an objection to the deferral. Consequently, we have determined not to defer this review. Please see: Memorandum to the File: Granting Petitioner an Extension of Time to File an Objection to Respondent's Deferral Request, dated September 26, 2007.

Suspension Agreements

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: January 22, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–1440 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–820]

Suspension of Antidumping Investigation: Fresh Tomatoes From Mexico

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

ACTION: Notice of suspension of antidumping investigation on fresh tomatoes from Mexico.

EFFECTIVE DATE: January 22, 2008.

SUMMARY: The Department of Commerce has suspended the antidumping investigation involving fresh tomatoes from Mexico. The basis for the suspension of the antidumping investigation is an agreement between the Department of Commerce and producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico wherein each signatory producer/exporter has agreed to revise its prices to eliminate completely the injurious effects of exports of this merchandise to the United States.

FOR FURTHER INFORMATION CONTACT: Judith Wey Rudman or Jay Carreiro at (202) 482–0192 or (202) 482–3674, respectively; Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 353 (1996).

Background

On April 18, 1996, the Department initiated an antidumping investigation to determine whether imports of fresh tomatoes from Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV) (61 FR 18377, April 25, 1996). On May 16, 1996, the United States International Trade Commission (ITC) notified the Department of its affirmative preliminary injury determination.

On October 10, 1996, the Department and Mexican tomato growers/exporters initialed a proposed agreement suspending the antidumping investigation. On October 28, 1996, the Department preliminarily determined that imports of fresh tomatoes from Mexico are being sold at LTFV in the United States. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Fresh Tomatoes from Mexico,* 61 FR 56608 (November 1, 1996) (*Preliminary Determination*). On the same day the *Preliminary Determination* was signed, the Department and certain growers/exporters of fresh tomatoes from Mexico signed an agreement to suspend the investigation (1996 Suspension Agreement). *See Suspension of Antidumping Investigation: Fresh Tomatoes from Mexico,* 61 FR 56618 (November 1, 1996).

On May 31, 2002, Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico provided written notice to the Department of their withdrawal from the 1996 Suspension Agreement, effective July 30, 2002. Because the 1996 Suspension Agreement would no longer cover substantially all imports of fresh tomatoes from Mexico, effective July 30, 2002, the Department terminated the

1996 Suspension Agreement, terminated the sunset review of the suspended investigation, and resumed the antidumping investigation. *See Notice of Termination of Suspension Agreement, Termination of Sunset Review, and Resumption of Antidumping Investigation: Fresh Tomatoes from Mexico,* 67 FR 50858 (August 6, 2002).

On November 8, 2002, the Department and Mexican tomato growers/exporters initialed a proposed agreement suspending the resumed antidumping investigation on imports of fresh tomatoes from Mexico. On December 4, 2002, the Department and certain growers/exporters of fresh tomatoes from Mexico signed a new suspension agreement (''2002 Suspension Agreement''). *See Suspension of Antidumping Investigation: Fresh Tomatoes From Mexico,* 67 FR 77044 (December 16, 2002). On November 3, 2003, the Department published the *Final Results of Analysis of Reference Prices and Clarifications and Corrections; Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes From Mexico,* 68 FR 62281 (November 3, 2003).

On November 26, 2007, Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico provided written notice to the Department of their withdrawal from the 2002 Suspension Agreement, effective 90 days from the date of their withdrawal letter (*i.e.*, February 24, 2008), or earlier, at the Department's discretion.

On November 28, 2007, the Department and Mexican tomato growers/exporters initialed a new proposed agreement to suspend the antidumping investigation on imports of fresh tomatoes from Mexico. On December 3, 2007, the Department released the initialed agreement to interested parties and afforded them an opportunity to comment on the initialed agreement. On December 17 and 18, 2007, several interested parties filed comments in support of the initialed agreement.

Because the 2002 Suspension Agreement would no longer cover substantially all imports of fresh tomatoes from Mexico, the Department published a notice of intent to terminate the 2002 Suspension Agreement, intent to terminate the five-year sunset review of the suspended investigation, and intent to resume the antidumping investigation. *See Fresh Tomatoes from Mexico: Notice of Intent to Terminate Suspension Agreement, Intent to Terminate the Five-Year Sunset Review, and Intent to Resume Antidumping Investigation,* 72 FR 70820 (December 13, 2007). On January 16, 2008, the Department published a notice of termination of the 2002 Suspension Agreement, termination of the five-year sunset review of the suspended investigation, and resumption of the antidumping investigation, effective January 18, 2008. *See Fresh Tomatoes from Mexico: Notice of Termination of Suspension Agreement, Termination of Five-Year Sunset Review, and Resumption of Antidumping Investigation,* 73 FR 2887, (January 16, 2008).

On January 22, 2008, the Department signed a new suspension agreement (2008 Suspension Agreement) with certain growers/exporters of fresh tomatoes from Mexico. The 2008 Suspension Agreement is attached to this notice of Suspension of Antidumping Investigation.

Scope of the Agreement

The merchandise subject to this Agreement is all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of this Agreement, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying, or the addition of chemical substances, or converting the tomato product into juices, sauces, or purees. Fresh tomatoes that are imported for cutting up, not further processing (*e.g.*, tomatoes used in the preparation of fresh salsa or salad bars), are covered by this Agreement.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as Lycopersicon esculentum. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by this Agreement.

Tomatoes imported from Mexico covered by this Agreement are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTSUS), according to the season of importation: 0702 and 9906.07.01 through 9906.07.09. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this Agreement is dispositive.

Suspension of Investigation

The Department consulted with the parties to the proceeding and has considered the comments submitted with respect to the proposal to suspend the antidumping investigation. In accordance with section 734(c) of the Act, we have determined that extraordinary circumstances are present in this case, as defined by section 734(c)(2)(A) of the Act. See the memorandum titled ''Existence of Extraordinary Circumstances'' from Ronald K. Lorentzen, Acting Deputy Assistant Secretary for Policy and Negotiations, to David M. Spooner, Assistant Secretary for Import Administration.

The 2008 Suspension Agreement provides that the subject merchandise will be sold at or above the established reference price and, for each entry of each exporter, the amount by which the estimated normal value exceeds the export price (or constructed export price) will not exceed 15 percent of the weighted-average amount by which the estimated normal value exceeded the export price (or constructed export price) for all LTFV entries of the producer/exporter examined during the course of the investigation. We have determined that the 2008 Suspension Agreement will eliminate completely the injurious effect of exports to the United States of the subject merchandise and prevent the suppression or undercutting of price levels of domestic fresh tomatoes by imports of that merchandise from Mexico.

We have also determined that the 2008 Suspension Agreement is in the public interest and can be monitored effectively, as required under section 734(d) of the Act. See the memorandum titled ''Public Interest Assessment of the Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico'' from Ronald K. Lorentzen, Acting Deputy Assistant Secretary for Policy and Negotiations, to David M. Spooner, Assistant Secretary for Import Administration.

For the reasons outlined above, we find that the 2008 Suspension Agreement meets the criteria of section 734(c) of the Act.

International Trade Commission

In accordance with section 734(f) of the Act, the Department has notified the ITC of the 2008 Suspension Agreement.

Suspension of Liquidation

The suspension of liquidation ordered in the preliminary affirmative determination in this case published on November 1, 1996, and resumed on January 18, 2008 (see 73 FR 2887), shall continue to be in effect, subject to section 734(h)(3) of the Act. Section 734(f)(2)(B) of the Act provides that the Department may adjust the security required to reflect the effect of the 2008

Suspension Agreement. The Department has found that the 2008 Suspension Agreement eliminates completely the injurious effects of imports and, thus, the Department is adjusting the security required from signatories to zero. The security rates in effect for imports from non-signatory growers remain as published in the *Preliminary Determination.*

Notwithstanding the 2008 Suspension Agreement, the Department will continue the investigation if it receives such a request within 20 days after the date of publication of this notice in the **Federal Register**, in accordance with section 734(g) of the Act.

Administrative Protective Order Access

The Administrative Protective Orders (APOs) the Department granted in the original investigation segment of this proceeding remain in place. While the investigation is suspended, parties subject to those APOs may retain, but may not use, information received under those APOs. All parties wishing access to business proprietary information submitted during the administration of the 2008 Suspension Agreement must submit new APO applications. An APO for the administration of the 2008 Suspension Agreement will be placed on the record within five days of the date of publication of this notice in the **Federal Register**.

We are publishing this notice in accordance with section 734 of the Act and 19 CFR 353.18.

Dated: January 22, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Attachment.

Suspension of Antidumping Investigation: Fresh Tomatoes From Mexico

Pursuant to section 734(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c(c)) (''the Act''), and section 353.18 of the U.S. Department of Commerce (''the Department'') regulations (19 CFR 353.18 (1996)), the Department and the signatory producers/exporters of fresh tomatoes from Mexico enter into this Suspension Agreement (the ''Agreement''). On the basis of this Agreement, the Department shall suspend its antidumping duty investigation, the initiation of which was published on April 25, 1996 (61 FR 18377), with respect to fresh tomatoes from Mexico, subject to the terms and provisions set out below.

I. Product Coverage

The merchandise subject to this Agreement is all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of this Agreement, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying, or the addition of chemical substances, or converting the tomato product into juices, sauces, or purees. In Appendix F of this Agreement the Department has outlined the procedure that signatories must follow for selling subject merchandise for processing. Fresh tomatoes that are imported for cutting up, not further processing (*e.g.*, tomatoes used in the preparation of fresh salsa or salad bars), are covered by this Agreement.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as Lycopersicon esculentum. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by this Agreement.

Tomatoes imported from Mexico covered by this Agreement are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTSUS), according to the season of importation: 0702 and 9906.07.01 through 9906.07.09. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this Agreement is dispositive.

II. U.S. Import Coverage

The signatories are the producers and exporters in Mexico which account for substantially all of the subject merchandise imported into the United States. The Department may at any time during the period of the Agreement require additional producers/exporters in Mexico to sign the Agreement in order to ensure that not less than substantially all imports into the United States are subject to the Agreement.

III. Basis for the Agreement

Each signatory individually agrees that, in order to prevent price suppression or undercutting, it will not sell, on and after the effective date of the Agreement, merchandise subject to the Agreement at prices that are less than the reference price, in accordance with Appendix A to this Agreement.

In order to satisfy the requirements of section 734(c)(1)(B) of the Act, each signatory agrees individually that for each entry the amount by which the estimated normal value exceeds the export price (or the constructed export price) will not exceed 15 percent of the weighted-average amount by which the estimated normal value exceeded the export price (or the constructed export price) for all less-than-fair-value entries of the producer/exporter examined during the course of the investigation, in accordance with the calculation methodologies described in Appendix B of this Agreement.

IV. Monitoring of the Agreement

A. Import Monitoring

1. The Department will monitor entries of fresh tomatoes from Mexico to ensure compliance with section III of this Agreement.

2. The Department will review publicly available data and other official import data, including, as appropriate, records maintained by U.S. Customs and Border Protection, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

B. Compliance Monitoring

1. The Department may require, and each signatory agrees to provide, confirmation, through documentation provided to the Department, that the price received on any sale subject to this Agreement was not less than the established reference price. The Department may require that such documentation be provided, and be subject to verification, within thirty days of the sale.

2. The Department may require, and each signatory agrees to report in the prescribed format and using the prescribed method of data compilation, each sale of the merchandise subject to this Agreement, either directly or indirectly to unrelated purchasers in the United States, including each adjustment applicable to each sale, as specified by the Department.

Each signatory agrees to permit review and on-site inspection of all information deemed necessary by the Department to verify the reported information.

3. The Department may conduct administrative reviews under section 751 of the Act, upon request or upon its own initiative, to ensure that exports of fresh tomatoes from Mexico are at prices consistent with the terms of this Agreement. The Department may perform verifications pursuant to administrative reviews conducted under section 751 of the Act.

4. At any time, and without prior notice, the Department may conduct verifications of parties handling signatory merchandise to determine

whether they are selling signatory merchandise in accordance with the terms of this Agreement.

C. Shipping and Other Arrangements

1. All reference prices will be expressed in U.S.$/lb. in accordance with Appendix A of this Agreement. Subject to paragraph 24 of Annex 703.2 of the North American Free Trade Agreement, the quality of each entry of fresh tomatoes exported to the United States from Mexico will conform with any applicable U.S. Department of Agriculture minimum grade, size, and/or quality import requirements in effect.

2. Signatories agree not to circumvent the Agreement and to undertake measures that will help to prevent circumvention. For example, each signatory will take the following actions:

a. It is the responsibility of all signatories to ensure that sales of their merchandise are made consistent with the requirements of this Agreement. To that end, each signatory shall enter into a contract, with the party that is responsible for the first sale of its subject merchandise to an unaffiliated customer in the United States (the Selling Agent),[1] that incorporates the terms of this Agreement. Through a contractual arrangement signatories shall also require the Selling Agent establish a contract with third parties to ensure that adjustments for spoilage or other claims inconsistent with the Agreement will not be permitted. Further, this contractual arrangement must establish that the Selling Agent maintain documentation demonstrating that sales of their merchandise are made consistent with the requirements of this Agreement.

b. Each signatory will label its boxes of subject merchandise that are exported to the United States with its name, signatory identification number, and a statement that ''These Tomatoes Were Grown/Exported By a Signatory of the 2008 Suspension Agreement.''[2] Alternatively, if the signatory that exports the tomatoes is different from the entity that grew the tomatoes, it will label the boxes with its name and its signatory identification number.

c. Each signatory will label its boxes of fresh tomatoes sold in Mexico with its name and the title ''Prohibida Su Exportacion''.

[1] The Selling Agent can be an importer, agent, broker, distributor, or any other entity that facilitates the transaction between the signatory and the first unaffiliated U.S. customer.

[2] Signatories may continue to use boxes with markings from the 2002 Suspension Agreement through December 31, 2008.

3. Not later than thirty days after each quarter, each signatory will submit a written statement to the Department certifying that all sales during the most recently completed quarter were at net prices (after rebates, backbilling, discounts for quality and other claims) at or above the reference price and were not part of or related to any act or practice which would have the effect of hiding the real price of the fresh tomatoes being sold (*e.g.*, a bundling arrangement, discounts/free goods/financing package, swap, or other exchange). Each signatory agrees to permit full verification of its certification as the Department deems necessary.

D. Rejection of Submissions

The Department may reject: (1) Any information submitted after the deadlines set forth in this Agreement; (2) any submission that does not comply with the filing, format, translation, service, and certification of documents requirements under 19 CFR 353.31; (3) submissions that do not comply with the procedures for establishing business proprietary treatment under 19 CFR 353.32, or any information that it is unable to verify to its satisfaction. If information is not submitted in a complete and timely fashion or is not fully verifiable, the Department may use the facts otherwise available for the basis of its decision, as it determines appropriate, unless the Department determines that section V. applies.

E. Compliance Consultations

1. When the Department identifies, through import or compliance monitoring or otherwise, that sales may have been made at prices inconsistent with section III of this Agreement, the Department will notify each signatory which it believes is responsible or, if applicable, notify the signatory's representative. The Department will consult with each such party for a period of up to sixty days to establish a factual basis regarding sales that may be inconsistent with section III of this Agreement.

2. During the consultation period, the Department will examine any information that it develops or which is submitted, including information requested by the Department under sections IV.A. and B. above.

F. Review

If the Department is not satisfied at the conclusion of the consultation period that sales by such signatory are being made in compliance with this Agreement, the Department may conduct a review to determine whether this Agreement is being violated by such signatory. This provision does not limit or restrict the Department's authority to conduct an administrative review under section 751 of the Act and paragraph IV.B.3. of this Agreement.

G. Operations Consultations

The Department will consult with the signatory producers/exporters regarding the operations of this Agreement. A party to the Agreement may request such consultations in any April or September (*i.e.*, prior to the beginning of each season) following the first year of the signing of this Agreement. Consistent with the statutory requirement that the Agreement prevent the suppression or undercutting of price levels of domestic fresh tomatoes, the Department may revise the reference price following consultations under this provision.

In order to evaluate whether this Agreement fulfills the requirements of section 734(c)(1)(B) of the Act, the Department may conduct an administrative review under section 751 of the Act, upon request or upon its own initiative, to ensure that for each entry of each exporter the amount by which the estimated normal value exceeds the export price (or the constructed export price) did not exceed 15 percent of the weighted-average amount by which the estimated normal value exceeded the export price (or the constructed export price) for all less-than-fair-value entries of the producer/exporter examined during the course of the investigation, in accordance with the calculation methodologies described in Appendix B. An affirmative determination under section 751 of the Act may result in the termination of this Agreement.

V. Violations of the Agreement

A. If the Department determines that the Agreement is being or has been violated or no longer meets the requirements of sections 734(c) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the Department's regulations.

B. Pursuant to section 734(i) of the Act the Department will refer any intentional violations of the Agreement to U.S. Customs and Border Protection. Any person who intentionally violates the Agreement shall be subject to a civil penalty assessed in the same amount, in the same manner, and under the same procedures as the penalty imposed for a fraudulent violation of section 592(a) of the Act. A fraudulent violation of section 592(a) of the Act is punishable by a civil penalty in an amount not to exceed the domestic value of the

merchandise. For purposes of the Agreement, the domestic value of the merchandise will be deemed to be the reference price, as the signatories agree not to sell the subject merchandise at prices that are less than the reference price or to ensure that sales of the subject merchandise are made consistent with the terms of the Agreement.

C. In addition, the Department will examine the activities of signatories, their Selling Agents, and any other party to a sale subject to the Agreement to determine whether any activities conducted by any party aided or abetted another party's violation of the Agreement. If any such parties are found to have aided or abetted another party's violation of the Agreement, they shall be subject to the same civil penalties described in section V.B. above.

Signatories of this Agreement consent to the release of all information presented to or obtained by the Department during the conduct of verifications with U.S. Customs and Border Protection and/or the U.S. Department of Agriculture. Further, through a contractual arrangement, signatories shall require that the Selling Agent consent to the release of all information presented to or obtained by the Department during the conduct of verifications with U.S. Customs and Border Protection and/or the U.S. Department of Agriculture.

D. The following activities shall be considered violations of the Agreement:

1. Sales that are at net prices (after rebates, backbilling, discounts for quality and other claims) that are below the reference price.

2. Any act or practice which would have the effect of hiding the real price of the fresh tomatoes being sold (*e.g.*, a bundling arrangement, discounts/free goods financing package, swap, or other exchange).

3. Sales that are not in accordance with the terms and conditions applied by the Department when calculating prices for transactions involving adjustments due to changes in condition after shipment as detailed in Appendix D of this Agreement.

4. Selling signatory tomatoes to Canada in a manner that is not consistent with the requirements of Appendix E of this Agreement.

5. Selling signatory tomatoes for processing in the United States in a manner that is not consistent with the requirements of Appendix F of this Agreement.

6. Any other act or practice that the Department or U.S. Customs and Border Protection finds in violation of the Agreement.

VI. Other Provisions

A. In entering into this Agreement the signatories do not admit that any exports of fresh tomatoes from Mexico are having or have had an injurious effect on fresh tomato producers in the United States or have been sold at less than fair value. The signatories also do not admit that greenhouse, cherry, or any other particular type of tomatoes are properly considered within the scope of the underlying investigation.

B. The signatories may withdraw from this Agreement upon ninety days written notice to the Department.

C. Upon request, the Department will advise any signatory of the Department's methodology for calculating its export price (or constructed export price) and normal value, which, for purposes of this Agreement, are described in Appendix B of this Agreement. Further, the Department reserves the right to modify its methodology in calculating export price (or constructed export price) and normal value.

VII. Disclosure and Comment

A. If the Department proposes to revise the reference price as a result of consultations under this Agreement, not later than three months prior to the first day of each semi-annual period, the Department will disclose the results and the methodology of the Department's calculation of the preliminary reference price established for that upcoming semi-annual period.

B. Not later than seven days after the date of disclosure under paragraph VII.A., the parties to the proceeding may submit written comments to the Department, not to exceed fifteen pages. After reviewing these submissions, the Department will provide the final reference price for the upcoming semi-annual period, normally within thirty days after the date of disclosure under paragraph VII.A.

C. The Department may make available to representatives of each interested party to the proceeding, under appropriately drawn administrative protective orders, any business proprietary information submitted to the Department pursuant to section IV. of this Agreement, as well as the results of the Department's analysis of that information.

VIII. Termination

Termination of the suspended investigation will be considered in accordance with the five-year review provisions of section 351.218 of the Department's regulations.

IX. Effective Date

The effective date of the Agreement is January 22, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Dated: January 22, 2008.

The following parties hereby certify that the members of their organization agree to abide by all terms of the Agreement:

Ing. Manuel Esteban Tarriba Urtuzuastegui, President.

(Name and Title of Certifying Official)

(Signature of Certifying Official)

For CAADES, Sinaloa, A.C.

Dated: January 10th 2008.

Victor Rodríguez Hernández, President

(Name and Title of Certifying Official)

(Signature of Certifying Official)

For Consejo Agricola de Baja California, A.C.

Dated: January 14th 2008.

Cesar Campana Acosta, President

(Name and Title of Certifying Official)

(Signature of Certifying Official)

For Asociacion Mexicana de Horticultura Protegida, A.C.

Dated: January 10th of 2008.

Gaspar Zaragoza Yberri, President

(Name and Title of Certifying Official)

(Signature of Certifying Official)

For Union Agricola Regional de Sonora, Productores de Hortalizas Frutas y Legumbres

Dated: January 11 of 2008.

Basilio Gatzionis Torres, President

(Name and Title of Certifying Official)
(Signature of Certifying Official)

For Confederacion Nacional de Productores de Hortalizas

Dated: January 9, 2008.

Appendix A—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Reference Price

Consistent with the requirements of section 734(c) of the Act, to eliminate completely the injurious effect of exports to the United States and to prevent the suppression or undercutting of price levels of domestic fresh tomatoes, the Department and signatory producer/exporters of subject merchandise hereby agree to adopt the reference prices calculated based on the methodology outlined in the November 1, 1996, agreement suspending the antidumping investigation involving fresh tomatoes from Mexico, as amended on August 14, 1998. See *Suspension of Antidumping Investigation; Fresh Tomatoes from Mexico,* 61 FR 56618,

56620 (November 1, 1996), October 28, 1996, Memorandum to Robert S. LaRussa titled ''The Prevention of Price Suppression or Undercutting of Price Levels in the Suspension Agreement Covering Fresh Tomatoes from Mexico,'' *Amendment to the Suspension Agreement on Fresh Tomatoes from Mexico,* 63 FR 43674 (August 14, 1998), and *Final Results of Analysis of Reference Prices and Clarifications and Corrections; Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico,* 68 FR 62281 (November 3, 2003). Accordingly, the reference price for the July 1 through October 22 period will be $0.172 per pound and the reference price for the October 23 through June 30 period will be $0.2169 per pound.

These reference prices will remain in effect unless modified in accordance with the provisions of paragraph IV.G. of the Agreement.

The term ''reference price'' refers to the price F.O.B. from the Selling Agent. The reference price includes all palletizing and cooling charges incurred prior to shipment from the Selling Agent. The actual movement or handling expenses beyond the point of entry into the United States (*e.g.*, McAllen, Nogales, Otay Mesa) must be added to the reference price and must reflect the cost for an arm's-length transaction. The chart below contains examples of certain minimum common trucking charges the USDA observed during the 2007 winter season.

F.O.B. Nogales to:	Los Angeles	New York	Chicago
Rate ($US)/Per Truckload	$900	$5,000	$3,200

Parties should refer to *http://www.ams.usda.gov/fv/mncs/fvwires.htm* to obtain examples of common trucking charges pertinent to the current season. Where the Selling Agent sells through an affiliated party, the transfer price from the Selling Agent to the affiliate must be at or above the reference price and any subsequent sale to an unaffiliated party must include the actual cost of markups (*e.g.*, trucking charges) that reflect arm's-length costs. For guidance on the trucking-charge markup for such resales, parties should also refer to *http://www.ams.usda.gov/fv/mncs/fvwires.htm* to obtain common trucking charges pertinent to the current season.

During the Department's verifications of parties handling signatory merchandise it will ascertain whether (1) the handling expenses beyond the point of entry into the United States are added to the reference price and reflect the actual cost for an arm's-length transaction and (2) the transfer price from Selling Agents to their affiliates are at or above the reference price and any subsequent sale to an unaffiliated party includes markups (*e.g.*, trucking charges) that reflect arm's-length costs.

The reference price for each type of box shall be determined based on the average weights stated in the chart contained in Appendix C of the Agreement.

Appendix B—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Analysis of Prices at Less Than Fair Value

A. Normal Value

The cost or price information reported to the Department that will form the basis of the normal value (NV) calculations for purposes of the Agreement must be comprehensive in nature and based on a reliable accounting system (*e.g.*, a system based on well-established standards and can be tied either to the audited financial statements or to the tax return filed with the Mexican government).

1. Based on Sales Prices in the Comparison Market

When the Department bases normal value on sales prices, such prices will be the prices at which the foreign like product is first sold for consumption in the comparison market in the usual commercial quantities and in the ordinary course of trade. Also, to the extent practicable, the comparison shall be made at the same level of trade as the export price (EP) or constructed export price (CEP). The calculation of normal value based on a sales price in the comparison market will vary depending on whether the comparison is price-to-EP or price-to-CEP.

2. Constructed Value

When normal value is based on constructed value, the Department will compute constructed values (CVs) for each growing season based on the sum of each respondent's growing and harvesting costs for each type of tomato, plus amounts for selling, general and administrative expenses (SG&A), U.S. packing costs, and profit. The Department will collect this cost data for an entire growing season in order to determine the accurate per-unit CV of that growing season.

Calculation of CV:
+ Direct Materials
+ Direct Labor
+ Factory overhead
= Cost of Manufacturing
+ Home Market SG&A*
= Cost of Production
+ U.S. Packing
+ Profit*
= Constructed Value (CV)

* SG&A and profit are based on home-market sales of the foreign like product made in the ordinary course of trade.

B. Export Price and Constructed Export Price

EP and CEP refer to the two types of calculated prices for merchandise imported into the United States. Both EP and CEP are based on the price at which the subject merchandise is first sold to a person not affiliated with the foreign producer or exporter.

Calculation of EP:
Gross Unit Price
− Movement Expenses
− Discounts and Rebates
= Export Price (EP)

Calculation of CEP:
Gross Unit Price
− Movement Expenses
− Discounts and Rebates
− Direct Selling Expenses
− Indirect Selling Expenses that relate to commercial activity in the United States
− The cost of any further manufacture or assembly incurred in the United States
− CEP Profit
= Constructed Export Price (CEP)

C. Fair Comparisons

To ensure that a fair comparison with normal value is made, the Department will make adjustments to the price to the first unaffiliated customer in calculating the EP or CEP. For both EP and CEP the Department will add packing costs, if not already included in the price, rebated import duties, and, if applicable, certain countervailing duties. For both EP and CEP, the Department will deduct transportation costs and export taxes or duties. In calculating CEP, the Department will make additional deductions for commissions, direct selling expenses incurred in selling the merchandise under investigation in the United States, the cost of any further manufacture or assembly performed in the United States, and a portion of profit. In addition, the Department will deduct indirect selling expenses that relate to commercial activity in the United States.

Appendix C—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Box Weights

The Department has the sole authority to make revisions to the Box Weight Chart used to apply the reference price to particular box configurations. The reference price for each type of box shall be determined based on the average weights stated in the chart below. The Department will coordinate with U.S. Customs and Border Protection in its collection and review of data for calculating and monitoring box-specific average weights. To derive representative average weights for each box type in the chart below, the Department will weigh twenty sample boxes, randomly chosen without notice, from three different shippers (*i.e.*, an average weight of sixty boxes for each box type in the chart).

If the Department determines to revise an average weight figure based upon information that an average weight on the chart is no longer accurate, the Department will provide at least fifteen days notice to signatories (either directly or through their representative in this proceeding) prior to the effective date of such revised average weights for purposes of this Agreement. The Department will determine the revised average weight in accordance with the procedure described above. Once the Department determines the revised average weight, the weight will become effective at the beginning of the next growing season

(which will be either July 1 or October 23 of a year).

In the event that a signatory intends to export subject merchandise to the United States in a box for which there is no average weight on the chart, the signatory shall notify the Department in writing no later than forty-five days prior to the date of the first exportation of such boxes to the United States. Signatories can obtain from the Department's Web site a copy of the suggested form for submitting this information. See ''Notification of Intent to Ship Tomatoes in a Specialty Pack'' at *http://ia.ita.doc.gov/tomato/2008-agreement/documents/suggested_forms/*. This information must be submitted to the Department in accordance with the filing instructions set forth under 19 CFR 353.31 and 353.32. The Department shall allow any interested party to submit written comments, not to exceed ten pages, on the appropriate average weight for the box within seven days after the filing of the written notification by the signatory, and the Department shall inform the signatory or its representative of the average weight for the box no later than thirty days after filing of the written notification by the signatory.

BOX-WEIGHT CHART.—SUSPENSION OF ANTIDUMPING INVESTIGATION ON FRESH TOMATOES FROM MEXICO

Box type *	Layers	Size	Avg. Kg. weight	Avg. Lb. weight **	July 1–October 22 $0.172/lb Reference price	October 23–June 30 $0.2169/lb Reference price
Tomato (cherry)		12 Baskets	6.32	13.93	2.40	3.02
Tomato (cherry)	Bulk	Bulk	8.13	17.92	3.08	3.89
Tomato	2L	4 x 4	10.78	23.77	4.09	5.16
Tomato	2L	4 x 5	10.81	23.83	4.10	5.17
Tomato	2L	5 x 5	10.43	22.99	3.96	4.99
Tomato	2L	5 x 6	9.71	21.41	3.68	4.64
Tomato	3L	6 x 6	13.33	29.39	5.05	6.37
Tomato	3L	6 x 7	12.92	28.48	4.90	6.18
Tomato	Bulk	25 lbs.***	12.15	26.79	4.61	5.81
Tomato	1L	Long Box	7.41	16.34	2.81	3.54
Tomato (Green)	Bulk	Small—20 lb.	8.16	17.99	3.09	3.90
Tomato Grape	Bulk	20 lb.	9.42	20.77	3.57	4.51
Tomato Grape	Clam Shell	12 Baskets—12 oz.	4.71	10.38	1.79	2.25
Tomato Cluster	1L	11 lb. Flat	5.58	12.31	2.12	2.67

* Applicable regardless of production method (*e.g.*, field grown or greenhouse grown).
** Conversion factor from kg. to lb. based on 1 kg. = 2.20462 lbs.
*** Also applicable to 4/7 bushel cartons.

Appendix D—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Procedures for Making Adjustments to the Sales Price Due to Certain Changes in Condition After Shipment

The purpose of this appendix is to explain the procedures for making adjustments to the sales price of signatory tomatoes due to certain changes in condition after shipment, such that the sales price for any tomatoes accepted in a lot [1] do not fall below the reference price. The procedures outlined in this appendix only apply if the adjustment reduces the net sales price below the reference price.

As explained in Appendix A of the Agreement, the term ''reference price'' refers to the price F.O.B. from the Selling Agent. The reference price includes all palletizing and cooling charges incurred prior to shipment from the Selling Agent. The actual movement or handling expenses beyond the point of entry into the United States (*e.g.*, McAllen, Nogales, Otay Mesa) must be added to the reference price and must reflect the cost for an arm's-length transaction. The chart below contains examples of certain minimum common trucking charges the USDA observed during the 2007 winter season.

F.O.B. Nogales to:	Los Angeles	New York	Chicago
Rate ($US)/Per Truckload	$900	$5,000	$3,200

Parties should refer to *http://www.ams.usda.gov/fv/mncs/fvwires.htm* to obtain examples of common trucking charges pertinent to the current season. Where the Selling Agent sells through an affiliated party, the transfer price from the Selling Agent to the affiliate must be at or above the reference price and any subsequent sale to an unaffiliated party must include the actual cost of markups (*e.g.*, trucking charges) that reflect arm's-length costs. For guidance on the trucking-charge markup for such resales, parties should also refer to *http://www.ams.usda.gov/fv/mncs/fvwires.htm* to obtain common trucking charges pertinent to the current season.

Appendix G of the Agreement outlines specific actions that signatories should take to ensure that their efforts to abide by the Agreement are upheld in any claims taken to the U.S. Department of Agriculture under the Perishable Agricultural Commodities Act.

To facilitate the verification of claims for changes in condition after shipment, the contract between the signatory and the Selling Agent must establish that claims be resolved and all paper work be completed within fifteen business days after the USDA inspection unless the claim is referred to PACA for mediation. When filing quarterly certifications with the Department, signatories should report the number of lots on which claims for condition defects were granted, the total volume of tomatoes destroyed or donated, and the total value of claims granted. Signatories can obtain from the Department's Web site a copy of the suggested form for submitting the quarterly certification information. See ''Quarterly Certification'' at *http://ia.ita.doc.gov/tomato/2008-agreement/documents/suggested_forms/*.

A. Contractual Terms for Rejecting All or Part of a Lot

1. A USDA inspection certificate must be provided to support claims for rejection of all or part of a lot. Further, no adjustments will

[1] For these purposes, a lot is defined as a grouping of tomatoes in a particular shipment that is distinguishable by packing type.

be made for failure to meet suitable shipping conditions unless supported by an unrestricted USDA inspection.

2. If the USDA inspection indicates that the lot has: (1) Over 8% soft/decay condition defects; (2) over 15% of any one condition defect; or (3) greater than 20% total condition defects, the receiver may reject the lot or may accept a portion of the lot and reject the quantity of tomatoes lost during the salvaging process. In those instances, price adjustments will be calculated as described below. For purposes of this Agreement, a condition defect is any defect listed in the chart in part A.5. below. When a lot of tomatoes has condition defects in excess of those outlined above as documented on a USDA inspection certificate, the documented percentage of the tomatoes with condition defects are considered DEFECTIVE tomatoes.

3. No adjustments will be made for failure to meet suitable shipping conditions if the USDA inspection certificate does not indicate one of the condition thresholds outlined above.

4. The USDA inspection must be called for no more than six hours from the time of arrival at the destination specified by the receiver and be performed in a timely fashion thereafter. If there is more than one USDA inspection on a given lot, the inspection certificate corresponding to the first inspection is the one that will be used for making any adjustment to the sales price. However, if an appeal inspection is conducted, it will supercede the first inspection, as long as the appeal inspection is requested within a reasonable amount of time from the first inspection.

The first receiver of the product, regardless of whether that receiver is acting as an agent or a broker for an unrelated purchaser or whether the receiver is the unrelated purchaser acting on its own right, must specify the city/metropolitan area of the destination of the product. The inspection will take place at the destination of delivery as specified prior to shipment.

No adjustments will be granted for a USDA inspection at a destination which is different from the destination specified by the first receiver of the product. In the event that the first receiver does not specify the city/metropolitan area of the destination of the product, the six-hour period within which an inspection may be requested will begin to run at such time as title to the product transfers to the unrelated purchaser, for example, upon loading of the product at the first handler's (importer's) warehouse in an F.O.B. transaction and upon delivery of the product to the first buyer's warehouse in a delivered sale.

A person or company shall be considered an agent or broker for an unrelated purchaser: (1) When that person or company falls within the description of types of broker operations set forth in 7 CFR 46.27; or (2) have provided a broker's memorandum of sale as set forth in 7 CFR 46.28(a). The following paragraphs apply if a broker or dealer is involved in the transaction.

A broker, unlike a dealer, does not take ownership or control of the tomatoes but arranges for delivery directly to the vendor or purchaser. Because a broker never takes ownership or control over the tomatoes, the customer and not the broker may request an inspection, and only the customer is entitled to any resulting adjustments. The inspection would take place at the customer's destination, as specified in the broker's contract with the Selling Agent.

When a dealer is involved in the sale, the destination of delivery stated in the contract is where the inspection is to take place. If the dealer does not specify the destination of delivery, the default destination of delivery is the warehouse of the Selling Agent. With respect to a lot of tomatoes that is owned or controlled by a dealer, it is the responsibility of the dealer to request an inspection of the tomatoes in his possession in a timely manner, if he deems it necessary. If the dealer does not request an inspection in a timely manner (*i.e.*, within six hours from the time of arrival at the destination specified by the dealer) and resells the tomatoes to a third party, which does request an inspection, the dealer is then responsible for all costs and adjustments pertaining to the inspection and the condition or quality of the tomatoes.

5. Under this Agreement, adjustments to the sales price of signatory tomatoes will be permitted only for condition defects. The term ''condition defect'' is intended to have the same definition recognized by the Fresh Produce Branch of the United States Department of Agriculture, with the exception of abnormal coloring, and, therefore, covers the following items:

CONDITION DEFECTS

(1) Sunken & Discolored Areas
(2) Sunburn
(3) Internal Discoloration
(4) Freezing Injury
(5) Chilling Injury
(6) Gray Mold Rot
(7) Bacterial Soft Rot
(8) Soft/Decay**
(9) Bruising
(10) Nailhead Spot
(11) Skin Checks
(12) Decayed and Moldy Stems
(13) Waxy Blister
(14) White Core
(15) Discolored or Dried-out Jelly Around Seeds

** The most common decays listed by the USDA are pleospora rot, phoma rot, alternaria rot, and blossom end rot.

6. In calculating the transaction price for lots subject to an adjustment claim for condition defects, as defined above, the tomatoes classified as DEFECTIVE will be treated as rejected and as not having been sold.

B. Contractual Terms for Rejection of Partial Loads

If the lot contains condition defects greater than those outlined above and the receiver does not reject the entire lot of tomatoes, the Department will factor certain adjustments into the transaction price, provided that the following conditions apply:

1. The price invoiced to and paid by the receiver for the accepted tomatoes must not fall below the reference price.

2. The Selling Agent may reimburse the receiver for actual destruction costs associated with the DEFECTIVE tomatoes. If properly documented, these expenses will not be considered in the calculation of the price of the accepted tomatoes.

3. The Selling Agent may reimburse the receiver for the portion of freight expenses allocated to the DEFECTIVE tomatoes. If properly documented, these expenses will not be considered in the calculation of the price of the accepted tomatoes.

4. If the Selling Agent follows the guidelines outlined below, it may reimburse the receiver for repacking charges directly associated with salvaging and reconditioning the lot. If properly documented, these expenses will not be considered in the calculation of the price of the accepted tomatoes.

a. If the salvaging and reconditioning activity is performed by a party unaffiliated with the Selling Agent's customer the fee charged for the service may be reimbursed if the Selling Agent's customer can provide evidence for such costs (*i.e.*, specifically, proof-of-payment documentation for the invoice from the repacker).

b. If the salvaging and reconditioning activity is performed by the Selling Agent's customer or a party affiliated with the Selling Agent, the direct labor costs or, in lieu thereof, one-half of the ordinary and customary repacking charges may be reimbursed. To substantiate such costs the Selling Agent's customer or party affiliated with the Selling Agent must provide detailed records of the labor cost incurred for repacking or, where applicable, evidence of the ordinary and customary repacking costs.

5. The Selling Agent may reimburse the receiver for the inspection fees listed on the USDA inspection certificate. If properly documented, these expenses will not be considered in the calculation of the price of the accepted tomatoes.

6. Any reimbursements from, by, or on behalf of the Selling Agent that are not specifically mentioned in items B.2., B.3., B.4., or B.5. above, or that are not properly documented, will be factored into the calculation of the price for the accepted tomatoes.

7. The receiver may not resell the DEFECTIVE tomatoes. The receiver may choose to have the DEFECTIVE tomatoes destroyed, donated to non-profit food banks, or returned to the Selling Agent. The DEFECTIVE tomatoes may not be sold.[2]

8. In addition, for each transaction involving adjustments due to changes in condition after shipment the Selling Agent must obtain/maintain the following documents/information:

—Shipper name.
—Shipping manifest.
—Details of the shipper invoice, including invoice number, date, brand, tomato type, quantity (boxes), and value.
—Documentation supporting the freight expenses incurred for the original shipment.
—USDA inspection certificate.
—Detailed listing of the expenses incurred in salvaging the non-DEFECTIVE tomatoes

[2] Tomatoes for processing must be handled in accordance with the guidelines set forth in Appendix F of the Agreement.

and documentation supporting the expenses.
—Description of the destruction or donation process and documentation from the landfill or food bank.
—Proof-of-payment documentation for any destruction costs.
—A statement that ''No monies or other compensation was received for the destroyed or donated tomatoes.''
—Signature of a responsible official at the receiver.

C. Contractual Terms for Rejection of Full Loads

In cases where the receiver has rejected the full lot of tomatoes based on condition defects, the Selling Agent may choose to have the entire lot destroyed, donated to non-profit food banks, or returned. If the entire lot is destroyed or donated, the Selling Agent will require the receiver to provide the documentation noted above for partial-lot rejections. Further, the Selling Agent may reimburse the receiver for ordinary and customary expenses that the receiver incurred with respect to the lot, including those expenses associated with the destruction or donation process, as long as the Selling Agent obtains the support documentation specified above under B.8. The Department will treat such transactions as ''non-sales'' provided that adequate support documentation is available.

Alternatively, the Selling Agent may sell the entire rejected lot to another receiver. In that case, the price paid must be not less than the reference price plus all costs incurred (*e.g.*, transportation, commissions, etc.) from the F.O.B. port of entry to the final receiver. If the final receiver finds that the lot contains condition defects greater than those outlined above, it shall follow the directions stated above with respect to rejection of partial loads.

D. Contractual Terms for Partial vs. Unrestricted Lot Inspections

As explained in part A.1. above, the Department will only allow adjustments to the transaction price for condition defects if the USDA inspection is unrestricted. During the time between the call for inspection and the arrival of the USDA inspector, the receiver might sell part of the lot and, therefore, by the time the USDA inspector arrives, that part is not available for inspection. If the USDA inspector is allowed full access to the partial lot, the Department will consider this an unrestricted partial-lot inspection. Alternatively, if the USDA inspector is not allowed full access to the partial lot, the Department will deem it a restricted inspection. No adjustments will be made for failure to meet suitable shipping conditions if the USDA inspection is restricted. For purposes of this Agreement, when calculating an adjustment for failure to meet suitable shipping conditions where an unrestricted partial-lot inspection has taken place, only the portion of the lot inspected is eligible for adjustment. The portion of the lot that the receiver sold prior to the inspection will not be eligible for an adjustment based on the USDA inspection.

For example, before the USDA inspector arrives, the receiver sells 140 boxes of 5x5s from a lot identified as 160 5x5s on the invoice. When the USDA inspector arrives the receiver requesting the inspection provides full access to the partial lot within its possession. The inspector finds that the partial lot of 20 5x5s has soft/decay condition defects of 25 percent and notes this on this inspection certificate. Under the Agreement, only the 20 5x5s are eligible for an adjustment for failure to meet suitable shipping conditions, and the 140 5x5s that the receiver already sold will not be eligible for an adjustment based on the USDA inspection.

Appendix E—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Contractual Arrangement for Documenting Sales of Signatory Merchandise to Canada

Based on our experience in this proceeding, it is common practice for the signatory's Selling Agent to enter the merchandise into the United States for consumption and then re-export it to Canada. The purpose of this appendix is to: (1) Outline the process that each signatory of this Agreement must follow to ensure that the Selling Agent properly documents sales to Canada as such and (2) ensure that the signatory notifies the Canadian customer that any resales of its merchandise from Canada into the United States must be in accordance with the terms of this Agreement.

To document sales of Mexican tomatoes to Canada properly, this Agreement requires that such transactions be made pursuant to a contractual arrangement where each signatory requires that the Selling Agent that facilitates the sale to Canada maintain the following information in its files:

1. Signatory name and identification number;
2. Shipping manifest;
3. An invoice identifying sale date, brand, tomato type, quantity (boxes), and value; and
4. Entry documentation from Canadian Customs (*i.e.*, Landing Form (Form B3) or the Canada Customs Coding Form).

If a signatory to the Agreement or its Selling Agent does not document a sale to Canada in accordance with the procedures outlined above, the Department will consider the transaction a U.S. sale.

We also require signatories to ensure that the Canadian customer is notified that any resale of the signatory merchandise from Canada into the United States must be in accordance with the terms of the Agreement and that any movement or handling expenses beyond the point of export from Mexico must be added to the reference price and must reflect the actual cost for an arm's-length transaction. Signatories can obtain from the Department's Web site a copy of the suggested form for providing such notification. See ''Form for Notifying Canadian Customer That Resales of Signatory Merchandise Into the United States Are Covered by the Terms of the 2008 Suspension Agreement'' at *http://ia.ita.doc.gov/tomato/2008-agreement/documents/suggested_forms/*. Further, through contractual arrangement each signatory must require that the Selling Agent maintain evidence in its files to document that the Canadian customer was notified that any resales of the signatory merchandise from Canada into the United States must be in accordance with the terms of the Agreement.

Appendix F—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Procedure Signatories Must Follow for Selling Subject Merchandise for Processing

Sales to the United States of signatory tomatoes for processing must be:

1. Sold directly to a processor (in other words, the first purchaser in the United States of tomatoes for processing must be an actual processor);
2. Accompanied by an ''Importer's Exempt Commodity Form''—Form FV–6, within the meaning of 7 CFR section 980.501(a)(2) and 980.212(I), should be used for all tomatoes for processing that are covered by the Florida Marketing Order; tomatoes for processing that are not covered by the Florida Marketing Order (*e.g.*, romas, grape tomatoes, greenhouse tomatoes and any tomatoes that are entered during the part of the year that the Florida Marketing Order is not in effect) must be accompanied by the ''2008 Suspension Agreement—Tomatoes for Processing Exemption Form''. The exempt commodity form must be presented to U.S. Customs and Border Patrol at the time of crossing at the port of entry into the United States and both the Selling Agent and the processor must maintain a copy of the form.
3. Shipped in a packing form that is not typical of tomatoes for the fresh market (*e.g.*, bulk containers in excess of 50 lbs)—examples of typical fresh-market packing forms are identified in the Box-Weight Chart in Appendix C of the Agreement; and
4. Clearly labeled on the packaging as ''Tomatoes for Processing''.

Signatories can obtain from the Department's Web site an example of the ''2008 Suspension Agreement—Tomatoes for Processing Exemption Form''. See *http://ia.ita.doc.gov/tomato/2008-agreement/documents/suggested_forms/*. If a party in the United States facilitates the transaction, through contractual arrangement each signatory must require that the party follow the procedures outlined above.

Appendix G—Suspension of Antidumping Investigation—Fresh Tomatoes From Mexico—Specific Actions That Signatories Should Take To Ensure That Their Efforts To Abide by the Agreement Are Upheld in any Claims Taken to the U.S. Department of Agriculture Under the Perishable Agricultural Commodities Act

This appendix provides guidance on the specific actions signatories can take to ensure that their efforts to abide by the Agreement are upheld in any claims taken to the Department of Agriculture under the Perishable Agricultural Commodities Act (PACA).

The former Chief of the Department of Agriculture's PACA branch, James R. Frazier, has confirmed that this Agreement is

enforceable under PACA regulations and PACA's claim settlement process. According to Mr. Frazier, in settling a claim, PACA will uphold actions taken by a signatory or a signatory's representative (collectively ''signatory'') to comply with the Agreement to the extent that the sales contract for the transaction at issue establishes that the sale is subject to the terms of the Agreement. In other words, if, prior to making the sale, the signatory, or the Selling Agent acting on behalf of the signatory through a contractual arrangement, informs the customer that the sale is subject to the terms of the Agreement and identifies those terms, PACA will recognize the identified terms of the Agreement as integral to the sales contract. In particular, signatories should inform their customers that their contractual agreement to allow defect claim adjustments is limited in accordance with the Agreement, including:

- Claims for adjustments must be supported by an unrestricted USDA inspection called for no more than six hours from the time of arrival at the receiver and performed in a timely fashion thereafter.
- The USDA inspection must find that the condition defects exceed the thresholds outlined in Appendix D above.
- Any price adjustments will be limited to the actual percentage of condition defects as documented by a USDA inspection certificate.
- The price adjustments will be limited to actual destruction costs, the allocated freight expense, and salvaging and reconditioning expenses calculated in accordance with Appendix D above.
- The customer may not resell any defective tomatoes. Instead, they must be destroyed, returned or donated to a non-profit food bank. Signatories should provide a copy of the Agreement to any customer which may be unfamiliar with its terms or which has questions about those terms.

The process by which a signatory could provide evidence to PACA that its sales contracts were made subject to the terms of the Agreement including, in particular, those terms listed above is outlined below.

- The signatory should maintain written documentation demonstrating that it had informed its customers and the customers accepted that the sales were subject to the terms of the Agreement prior to issuing the invoice. A signed contract to that effect would be the best evidence of that fact; however, a purchase by the customer after being informed of the relevance of the Agreement is evidence of acceptance.
- The signatory should send letters to its customers via registered mail, return receipt requested, informing the customers that, as a signatory to the Agreement, all of the signatory's sales are subject to the terms of the Agreement and that, by purchasing from them, the buyer agrees to those terms. The letter should also indicate that the signatory's sales personnel do not have authority to alter the terms of the Agreement.
- In addition, the signatory should include a statement on its order confirmation sheets that its contract with the buyer is subject to the terms of the Agreement as detailed in the signatory's ''pre-season'' letter and maintain a copy of the order confirmations and fax receipts demonstrating that they were sent to the customer prior to making the sale. If the sale is to a first-time purchaser that did not receive a ''pre-season'' letter, a letter should be supplied to the buyer prior to making a sale.
- The signatory should instruct its sales personnel to inform customers making purchases by telephone or at the loading dock that the sale is subject to the terms of the Agreement and its restrictions on price adjustments and, by purchasing from them, the buyer agrees to those terms. In fact, the sales personnel should provide a copy of the letter to the customer and, ideally, have the customer acknowledge receipt of the letter, in writing, prior to making the sale. Such an established practice will help to ensure that even new customers are informed properly of the terms of sale prior to completing a contract.

PACA does not require any one particular form of written documentation but USDA officials have confirmed that, if signatories maintain written evidence demonstrating that their customers were informed that their sales were made subject to the terms of the Agreement prior to sale, PACA will recognize those terms as part of the sales contract.

[FR Doc. E8–1442 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Satellite Groundstation Customer Questionnaire

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 28, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Paul Seymour, 301–763–8051, extension 109 or *paul.seymour@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA requests people who operate ground receiving stations that receive data from NOAA satellites to complete a questionnaire about the types of data received, its use, the equipment involved, and similar subjects. The data obtained are used by NOAA for short-term operations and long-term planning.

II. Method of Collection

The information is collected via an online questionnaire.

III. Data

OMB Number: 0648–0227.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions, business or other for-profit organizations, Individuals or households, Federal Government, and State, Local or Tribal Government.

Estimated Number of Respondents: 300.

Estimated Time Per Response: 5 minutes.

Estimated Total Annual Burden Hours: 25.

Estimated Total Annual Cost to Public: $0 in capital and recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 22, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–1408 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD79

Incidental Takes of Marine Mammals During Specified Activities; Black Abalone Research Surveys at San Nicolas Island, Ventura County, CA

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, NMFS has issued an Incidental Harassment Authorization (IHA) to Dr. Glenn VanBlaricom (Dr. VanBlaricom) for the take of marine mammals, by Level B harassment only, incidental to the assessment of black abalone populations at San Nicolas Island (SNI), CA.

DATES: The IHA is effective from January 18, 2008, through January 17, 2009.

ADDRESSES: A copy of the IHA and the application are available by writing to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning the contact listed here. A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or online at:*http://www.nmfs.noaa.gov/pr/permits/incidental.htm*. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, (301) 713–2289, ext. 172.

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

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

Summary of Request

On November 5, 2007, NMFS received a letter from Dr. VanBlaricom, of the Washington Cooperative Fish and Wildlife Research Unit, requesting renewal of an IHA that was first issued to him on September 23, 2003 (68 FR 57427, October 3, 2003), and was last reissued on December 1, 2006 (71 FR 71136, December 8, 2006). The proposed 2008 IHA was published, and comments solicited, on December 11, 2007 (72 FR 70311). The final IHA would authorize the take, by harassment, of small numbers of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), and northern elephant seals (*Mirounga angustirostris*) incidental to research surveys performed for the purpose of assessing trends in black abalone (*Haliotis cracherodii*) populations at SNI, Ventura County, California. The proposed research consists of 2 researchers, on foot, counting abalone at nine permanent sites (1 m^2 each) on SNI twice a year, with one brief additional visit to each site for maintenance.

Population trend data for black abalone populations have become important in a conservation context because of: (a) the reintroduction of sea otters to SNI in 1987, raising the possibility of conflict between otter conservation and abalone populations (abalones are often significant prey for sea otters); (b) the appearance of a novel exotic disease, abalone withering syndrome, at SNI in 1992, resulting in dramatically increased rates of abalone mortality at the Island; and, (c) the recent designation of California populations of black abalones as a species of concern in the context of the Endangered Species Act (ESA). Research is done under the auspices of the Washington Cooperative Fish and Wildlife Research Unit, the University of Washington, and the U.S. Navy (owner of SNI), with additional logistical support from the University of California, Santa Cruz.

Additional information on the research is contained in the application, which is available upon request (see **ADDRESSES**).

Project Description

Nine permanent abalone research study areas are located in rocky intertidal habitats on SNI in Ventura County, CA. The applicant has made 111 separate field trips to SNI from September 1979 through October 2007, participating in abalone survey work on 591 different days at nine permanent study sites. Under the latest authorization, Dr. VanBlaricom made five different trips to the island (but no more than 2 research and 1 maintenance visits to most sites with pinnipeds; sites without pinnipeds may be visited more often) and conducted work for 27 total days in the one year period.

Quantitative abalone surveys on SNI began in 1981, at which point permanent research sites were chosen based on the presence of dense patches of abalone in order to monitor changes over time in dense abalone aggregations. Research is conducted by counting black abalone in plots of 1 m^2 (3.3 ft^2) along permanent transect lines in rocky intertidal habitats at each of the nine study sites on the island. Permanent transect lines are demarcated by

stainless steel eye-bolts embedded in the rock substrata and secured with marine epoxy compound. Lines are placed temporarily between bolts during surveys and are removed once surveys are completed. Survey work is done by two field biologists working on foot (sites are accessed by hiking to water from vehicle parked inland) and monitoring of black abalone populations at SNI can be done only during periods of extreme low tides. The exact date of a visit to any given site is difficult to predict because variation in surf height and sea conditions can influence the safety of field biologists as well as the quality of data collected. In most years survey work is done during the months of January, February, March, July, November, and December because of optimal availability of low tides. All work is done during daylight hours due to safety considerations.

During the year, each of the nine permanent study sites at SNI will be visited three times. Abalone surveys, which take no more than 4 hours at each site, are conducted during two of the three visits to each of the nine sites. The third, and final, visit is a maintenance visit, which takes less than 30 minutes at each site and is used to take measurements and make necessary repairs to plots and is conducted in a month when smaller numbers of pinnipeds are present.

The affected marine mammal populations at SNI, especially California sea lions and northern elephant seals, have grown substantially since the beginning of abalone research in 1979 and have occupied an expanded distribution on the island due to population growth. Sites previously accessible with no risk of marine mammal harassment are now being utilized by marine mammals at levels such that approach without the possibility of harassment is difficult. An IHA is warranted for this study because of the nine study sites used for the abalone surveys, only two sites can be occupied without the possibility of disturbing at least one species of pinniped.

Description of Habitat and Marine Mammals in the Activity Area

San Nicolas is one of the eight Channel Islands, located in the Santa Barbara Channel off Southern California. Nine miles long (14.5 km) and about three and a half miles (5.6 km) across at its widest point, it is the farthest island from the mainland, more than 60 miles (96.6 km) offshore and about 85 miles (136.8 km) southwest of Los Angeles, California. SNI is owned and operated by the U.S. Navy and is off-limits to civilians without specific permission.

Many of the beaches in the Channel Islands provide resting, molting or breeding places for species of pinnipeds. On SNI, three pinniped species (northern elephant seal, Pacific harbor seal, and California sea lion) can be expected to occur on land in the vicinity of abalone research sites either regularly or in large numbers during certain times of the year. In addition, a single adult male Guadalupe fur seal (*Arctocephalus townsendi*) (federally listed as threatened under the Endangered Species Act) was seen at one abalone research site on two occasions during the summer months in the mid–1980's. However, none have been seen since those original sightings.

Further information on the biology and distribution of these species and others in the region can be found in Dr. VanBlaricom's application, which is available upon request (see **ADDRESSES**), and the Marine Mammal Stock Assessment Reports, which are available online at: *http://www.nmfs.noaa.gov/prot__res/PR2/Stock__Assessment__Program/individual__sars.html.*

California Sea Lions

The U.S. stock of California sea lions extends from the U.S./Mexico border north into Canada. Breeding areas of the sea lion are on islands located in southern California, western Baja California, and the Gulf of California and they primarily use the central California area to feed during the non-breeding season. Population estimates for the U.S. stock of California sea lions, which are based on counts conducted in 2001 and extrapolations from the number of pups, range from a minimum of 138,881 to an average of 244,000 animals, with a current growth rate of 5.4 to 6.1 percent per year (Carretta *et al.*, 2005). The California sea lion is not listed under the ESA and the U.S. stock is not considered depleted under the MMPA.

California sea lions haul out at many sites on SNI and are by far the most common pinniped on the island. Over the course of a year, up to 100,000 sea lions may use SNI. Numbers of sea lions at SNI increased by about 21 percent per year between 1983 and 1995 (NMFS 2003) and sea lions have recently started occupying areas that were not formerly used. Pupping occurs on the beaches of SNI from mid-June to mid-July. Females nurse their pups for about eight days and then begin an alternating pattern of foraging at sea vs. attending and nursing the pup on land, which lasts for about eight months, and sometimes up to a year. California sea lions also haul out at SNI during the molting period in September, and smaller numbers of females and juveniles haul out during most of the year.

Pacific Harbor Seals

Harbor seals are widely distributed in the North Atlantic and North Pacific. In California, approximately 400–600 harbor seal haul-out sites are distributed along the mainland and on offshore islands, including intertidal sandbars, rocky shores and beaches (Hanan, 1996; Lowery *et al.*, 2005). A complete count of all harbor seals in California is impossible because some are always away from the haul-out sites. A complete pup count (as is done for other pinnipeds in California) is also not possible because harbor seals are precocious, with pups entering the water almost immediately after birth. Based on the most recent harbor seal counts (2004 and 2005) and including a correction factor for the above, the estimated population of harbor seals in California is 34,233 (Carretta *et al.*, 2005), with an estimated minimum population of 31,600 for the California stock of harbor seals. Counts of harbor seals in California showed a rapid increase from 1972 to 1990, but since 1990 there has been no net population growth along the mainland or the Channel Islands. The decrease in the growth rate may indicate that the population has reached its carrying capacity. The harbor seal is not listed under the ESA and the California stock is not considered depleted under the MMPA.

Harbor seals haul out at various sandy, cobble, and gravel beaches around SNI and pupping occurs on the beaches from late February to early April, with nursing of pups extending into May. Harbor seals may also haul out during molting period in late Spring, and smaller numbers haul out at other times of year. Harbor seal abundance increased at SNI from the 1960s until 1981, but since then the average counts have not changed significantly. From 1982 to 1994, numbers of harbor seals have fluctuated between 139 and 700 harbor seals based on both peak ground counts and annual photographic survey photos. The most recent aerial count on SNI was of 457 harbor seals in 1994.

Northern Elephant Seals

Northern elephant seals breed and give birth in California (U.S.) and Baja California primarily on offshore islands, from December to March (Stewart *et al.*, 1994). The California breeding stock, which includes the animals on SNI, is now demographically separated from

the Baja California population. Based on trends in pup counts, northern elephant seal colonies appeared to be increasing in California through 2001. The population size of northern elephant seals in California is estimated to be 101,000 animals, with a minimum population estimate of 60,547 (Carretta *et al.*, 2005). A continuous average growth rate (though it has declined a bit in recent years) of 8.3 percent has seen numbers of this species increase from 100 in 1900 to the current population size (Carretta *et al.*, 2005). The northern elephant seal is not listed under the ESA and the California stock is not considered depleted under the MMPA.

Increasing numbers of elephant seals haul out at various sites around SNI. Based on a pup count in 1995 that found 6,575 pups, scientists estimated that over 23,000 elephant seals may use SNI in a year (NMFS 2003). From 1988 to 1995 the pup counts on SNI increased at an average rate of 15.4 percent per year; however, the growth rate of the population as a whole seems to have declined in recent years (NMFS 2003). Pupping occurs on the beaches of SNI from January to early February, with nursing of pups extending into March. Northern elephant seals also haul out during the molting periods in the spring and summer, and smaller numbers haul out at other times of the year.

Comments and Responses

On December 11, 2007, NMFS published in the **Federal Register** a notice of a proposed IHA for Dr. VanBlaricom's request to take marine mammals incidental to conducting black abalone research on SNI, and requested comments regarding this proposed IHA (72 FR 70311). During the 30–day public comment period, NMFS received one comment from the Marine Mammal Commission (MMC) recommending NMFS issue the IHA as proposed.

Comment: The MMC states that because the applicant is requesting authority to take marine mammals by Level B harassment only, NMFS should require that research activities be suspended immediately if an injury or mortality of a marine mammal is found in the vicinity of the operations and the mortality or injury could have occurred incidental to the research activities. MMC further recommends that any such suspension should remain in place until NMFS has: (1) reviewed the situation and determined that further injuries or mortalities are unlikely to occur; or (2) determined whether steps (e.g. monitoring and mitigation measures) can be taken to avoid further injuries or mortalities; or (3) issued regulations to govern such takes under section 101(a)(5)(A) of the MMPA.

Response: NMFS concurs with MMC's recommendation and has included a requirement to this effect in the IHA. NMFS authorizes the applicant to take marine mammals by Level B harassment only.

Potential Effects of Activities on Marine Mammal

Variable numbers of sea lions, harbor seals, and elephant seals typically haul out near seven of the nine study sites used for abalone research, with breeding activity occurring at four of these seven sites. Pinnipeds likely to be affected by abalone research activity are those that are hauled out on land at or near study sites.

Incidental harassment may result if hauled animals move away from the abalone researchers. For the purpose of estimating numbers of pinnipeds taken by these activities, NMFS assumes that pinnipeds that move or change the direction of their movement in response to the presence of researchers are taken by Level B Harassment. Animals that merely raise their head and look at the researcher are not considered to have been taken. Although marine mammals will not be deliberately approached by abalone survey personnel, approach may be unavoidable if pinnipeds are hauled out directly upon the permanent abalone study plots. In almost all cases, shoreline habitats near the abalone study sites are gently sloping sandy beaches or horizontal sandstone platforms with unimpeded and non-hazardous access to the water. If disturbed, hauled animals may move toward the water without risk of encountering significant hazards. In these circumstances, the risk of injury or death to hauled animals is very low.

The risk of marine mammal injury or mortality associated with abalone research increases somewhat if disturbances occur during breeding season, as it is possible that mothers and dependent pups could become separated. If separated pairs don't reunite fairly quickly, risks of mortality to pups (through starvation) may increase. Also, adult northern elephant seals may trample elephant seal pups if disturbed, which could potentially result in the injury or death of pups. However, NMFS has included time of year restrictions to limit the presence of researchers to months that California sea lion and harbor seal dependent pups are not present at the survey sites. Additionally, though elephant seal pups are occasionally present at abalone surveys, risk of pup mortalities are very low because elephant seals are far less reactive to researcher presence than the other two species (an estimated 32 total elephant seals have been disturbed in the last four years out of 2074 present around the study site). Last, researchers will use great care approaching sites; and pups are on the sand while the permanent study sites are on rocks, which leaves the two always separated by at least 50 m (164 ft). Because of the circumstances and the IHA requirements discussed above, NMFS believes it highly unlikely that the proposed activities would result in the injury or mortality of pinnipeds (and none have been recorded in the 28 years that the researcher has been conducting this research).

The results of Dr. VanBlaricom's monitoring under the previous IHA are summarized in Table 1, which shows the numbers of each species present at Dr. VanBlaricom's survey sites as well as the numbers disturbed during his visits in the last year. As part of the required monitoring, Dr. VanBlaricom records the numbers of disturbed animals that flush into the water, the number that move more than 1 m, but do not enter the water, and the number that become alert and move, but do not move more than 1 m (see the application for these numbers). Animals that raised their head and looked at the researcher without moving were not considered disturbed (or harassed pursuant to the MMPA). For the purposes of estimating take in the IHA, NMFS conservatively estimates take as the total of all three categories of disturbed behavior recorded.

As indicated in Table 1, approximately 50 percent of the total animals considered harassed by this activity in 2007 responded by flushing into the water (671 sea lions, 68 harbor seals, and 0 elephant seals) and the rest responded to a lesser degree by moving some distance on land when the researchers approached. Though the researchers have not stayed to find how soon pinnipeds return after flushing (leaving as soon as possible minimizes the effects), increasing numbers at some of the sites and pinniped presence at sites where they were not present before suggest that the research is not having any long-term detrimental effects on the population of any of these three species. Older, weaned sea lion pups and juveniles were seen and disturbed at site 8, and a small number (5) were flushed into the water, but none were known to be injured in any way.

				California Sea Lions		Pacific Harbor Seals		Northern Elephant Seals	
Year	Month	Date	Site #	Present at site	Disturbed	Present at site	Disturbed	Present at site	Disturbed
2007	January	19	1	61	50	0	0	6	1
2007	January	20	1	58	51	0	0	6	0
2007	October	27	1	88	76	0	0	0	0
2007	January	6	2	0	0	0	0	0	0
2007	January	7	2	0	0	0	0	0	0
2007	February	3	2	0	0	0	0	0	0
2007	February	17	2	0	0	0	0	0	0
2007	October	26	2	0	0	0	0	0	0
2007	January	18	18	0	0	0	0	0	0
2007	January	29	3	0	0	0	0	0	0
2007	February	1	3	0	0	0	0	0	0
2007	February	2	3	0	0	0	0	0	0
2007	February	16	3	0	0	0	0	0	0
2007	October	26	3	0	0	0	0	0	0
2007	October	28	3	0	0	0	0	0	0
2007	January	21	4	0	0	0	0	0	0
2007	February	1	4	2	2	0	0	0	0
2007	February	4	4	0	0	0	0	0	0
2007	October	25	4	0	0	0	0	0	0
2007	January	30	5	79	43	33	15	42	0
2007	January	4	6	306	161	53	31	57	0
2007	January	30	6	271	130	39	22	291	0
2007	February	14	7	130	94	8	0	41	0
2007	February	15	7	237	226	0	0	8	0
2007	January	17	8	168	131	0	0	8	0
2007	January	31	8	330	225	0	0	9	0
2007	October	24	8	103	92	0	0	0	0
2007	February	18	8	65	35	0	0	0	0
2007	January	3	9	0	0	0	0	3	1
2007	January	5	9	1	1	0	0	3	0
2007	February	16	9	0	0	0	0	6	0
Totals				**1899**	**1317**	**133**	**68**	**480**	**2**
# that flushed into water					671 (51%)		68 (100%)		0
# moved >1m, but not into water					458 (35%)		0		2 (100%)
# came alert, but did not move >1 m					188 (14%)		0		0

Table 1. Results from 2006-2007 monitoring. Number of ''disturbed'' animals indicates total of the three categories of recorded reactions, which include: animals that flushed into the water; animals that moved more than 1 m, but did not enter the water; and, animals that moved or changed direction, but did not move more than 1 m.

Mitigation

Several mitigation measures to reduce the potential for harassment from population assessment research surveys will be implemented as part of the SNI abalone research activities. Primarily, mitigation of the risk of disturbance to pinnipeds requires that researchers are judicious in the route of approach to abalone study sites, avoiding close contact with pinnipeds hauled out on shore. In no case will marine mammals be deliberately approached by abalone survey personnel, and in all cases every possible measure will be taken to select a pathway of approach to study sites that minimizes the number of marine mammals harassed. Each visit to a given study site will last for a maximum of 4 hours, after which the site is vacated and can be re-occupied by any hauled marine mammals that may have been disturbed by the presence of abalone researchers.

The potential risk of injury or mortality will be avoided with the following measures. Disturbances to females with dependent pups (in the cases of California sea lions and Pacific harbor seals) will be mitigated to the greatest extent practicable by avoiding visits to the four black abalone study sites with resident pinnipeds during periods of breeding and lactation from mid-February through mid-October. During this period, abalone research will be confined to the other five sites where pinniped breeding and post-partum nursing does not occur. Limiting visits to the four breeding and lactation sites (5, 6, 7, and 8) to periods when these activities do not occur (second half of October, November, December, January, and the first half of February) will reduce the possibility of incidental harassment and the potential for injury or mortality of dependent California sea lion pups and Pacific harbor seal pups to near zero.

Northern elephant seal pups are present at four sites during winter months. Risks of injury or mortality of elephant seal pups by mother/pup separation or trampling are limited to the period from January through March when pups are born, nursed, and weaned, ending about 30 days post-weaning when pups depart land for foraging areas at sea. However, elephant seals have a much higher tolerance of nearby human activity than sea lions or harbor seals. Also, elephant seal pupping typically occurs on the sandy beaches at SNI, approximately 50 m (164 ft) or more away from the abalone study sites. Possible take of northern elephant seal pups will be minimized by using a very careful approach to the study sites and avoiding the proximity of hauled seals and any seal pups during collection of abalone population data.

One individual Guadalupe fur seal was seen at study site 8 on two separate occasions during the summer months in the mid–1980's. Since the original sightings, no individuals of this species have been seen during abalone research. However, to ensure that Guadalupe fur seals are not affected by these activities and that authorization is not needed pursuant to the MMPA or the ESA, researchers will only visit site 8 from mid-October through mid-February with a single proposed visit in July, and work will be immediately suspended and researchers vacated if an individual is seen. Guadalupe fur seals are distinctive in appearance and behavior, and can be readily identified at a distance without any disturbance.

Sea otters, which are federally listed as threatened under the ESA and managed by the U.S. Fish and Wildlife Service (USFWS), are not expected ashore during the time periods when the research activities would be conducted. However, if sea otters are sighted ashore during the abalone research, Dr. VanBlaricom would follow similar procedures in place for fur seals to avoid impacts, suspending research activities in any areas California sea otters are occupying.

Monitoring

Currently, all biological research activities at SNI are subject to approval and regulation by the Environmental Planning and Management Department (EPMD), U.S. Navy. The U.S. Navy owns SNI and closely regulates all civilian access to, and activity on, the island, including biological research. Therefore, monitoring activities will be closely coordinated with Navy marine mammal biologists located on SNI.

In addition, status and trends of pinniped aggregations at SNI are monitored by the NMFS Southwest Fisheries Science Center (SWFSC). Also, long-term studies of pinniped population dynamics, migratory and foraging behavior, and foraging ecology at SNI are conducted by staff at Hubbs-Sea World Research Institute (HSWRI).

Monitoring requirements in relation to Dr. VanBlaricom's abalone research surveys will include observations made by the applicant and his associates. Information recorded will include species counts (with numbers of pups), numbers of observed disturbances, and descriptions of the disturbance behaviors during the abalone surveys. Observations of unusual behaviors, numbers, or distributions of pinnipeds on SNI will be reported to EPMD, NMFS, and HSWRI so that any potential follow-up observations can be conducted by the appropriate personnel. In addition, observations of tag-bearing pinniped carcasses as well as any rare or unusual species of marine mammals will be reported to EPMD and NMFS.

If at any time injury or death of any marine mammal occurs that may be a result of the proposed abalone research, Dr. VanBlaricom will suspend research activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

Reporting

A draft final report must be submitted to NMFS within 60 days after the conclusion of the year-long field season or 90 days prior to the start of the next field season if a new IHA will be pursued. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA. A final report must be submitted to the Regional Administrator of the Southwest Region within 30 days after receiving comments from NMFS on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

Dr. VanBlaricom has already submitted the final report required by the 2007 IHA and it may be viewed on the NMFS website (see **ADDRESSES**).

Numbers of Marine Mammals Expected to be Harassed

The distribution of pinnipeds hauled out on beaches is not even between sites or at different times of the year. The number of marine mammals disturbed will vary by month and location, and, compared to animals hauled out on the beach farther away from survey activity, only those animals hauled out closest to the actual survey transect plots contained within each research site are likely to be disturbed by the presence of researchers and alter their behavior or attempt to move out of the way.

Table 2 depicts the total numbers of animals encountered and disturbed by Level B Harassment in Dr. VanBlaricom's 2004, 2005, 2006, and 2007 abalone survey field seasons. As discussed earlier, NMFS considers an animal to have been harassed if it moved any distance in response to the researcher's presence or if the animal was already moving and changed direction. Animals that raised their head and looked at the researcher without

moving were not considered harassed. Based on past observations and assuming a maximum level of incidental harassment of marine mammals at each site during periods of visitation, NMFS estimates that the maximum total possible numbers of individuals that will be incidentally harassed during the effective dates of the proposed IHA would be 1610 California sea lions, 100 Pacific harbor seals, and 20 northern elephant seals may be taken by harassment as a result of this activity.

NMFS has determined that the estimated number of takes of California sea lions, Pacific harbor seals and northern elephant seals are small numbers relative to the approximate total population of each pinniped species (1.2, 0.3, and .03 percent of the minimum population, respectively).

	California Sea Lions		Pacific Harbor Seals		Northern Elephant Seals	
Year	Present around Site	Est. Harassed	Present around Site	Est. Harassed	Present around Site	Est. Harassed
2004	2239	1472	108	99	562	7
2005	1383	983	99	88	409	9
2006	1564	1045	57	50	623	14
2007	1899	1317	133	68	480	2

Table 2. Estimated number of each species harassed over the last four years of abalone research. Minimum population estimates for California sea lions, Pacific harbor seals, and Northern elephant seals are 138881, 31600, and 60547, respectively.

Potential Effects of Activities on Marine Mammal Habitat

NMFS anticipates that the action will result in no impacts to marine mammal habitat beyond rendering the areas immediately around each of the nine study sites less desirable as haul-out sites for a total of 8.5 hours per year. Three visits to each site are anticipated during the year-long validity of the IHA.

ESA

For the reasons already described in this **Federal Register** Notice, NMFS has determined that the described abalone research and the accompanying IHA will have no effect on species or critical habitat protected under the ESA (specifically, the Guadalupe fur seal). Therefore, consultation under Section 7 is not required.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) of the Issuance of an IHA to Take Marine Mammals, by Harassment, During Black Abalone Research at SNI, California, which analyzed the issuance of multiple IHAs over several years for these activities, and subsequently issued a Finding of No Significant Impact (FONSI) on November 21, 2005. The proposed 2008 action is the same as was analyzed in the 2005 EA and the EA remains applicable. A copy of the EA and FONSI are available upon request (see **ADDRESSES**).

Conclusions

Based on Dr. VanBlaricom's application and monitoring reports for previous field seasons, as well as the analysis contained herein, NMFS has determined that the impact of the described abalone research at SNI will result, at most, in a temporary modification in behavior by small numbers of California sea lions, Pacific harbor seals, and northern elephant seals, in the form of head alerts, movement away from the researchers and/or flushing from the beach. In addition, no take by injury or death is anticipated, and take by harassment will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document. NMFS has further preliminarily determined that the anticipated takes will have a negligible impact on the affected species.

Authorization

NMFS has issued an IHA to Dr. Glenn R. VanBlaricom for the harassment of California sea lions, Pacific harbor seals, and northern elephant seals incidental to black abalone population trend research, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: January 22, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–1429 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF22

Marine Mammals; File No. 775–1875

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that the Northeast Fisheries Science Center (NEFSC), National Marine Fisheries Service [Dr. Nancy Thompson, Responsible Party], 166 Water Street, Woods Hole, MA 02543, has been issued a permit to conduct research on, and import/export specimens collected from, marine mammals.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

FOR FURTHER INFORMATION CONTACT: Brandy Belmas or Carrie Hubard, (301)713–2289.

SUPPLEMENTARY INFORMATION: On January 10, 2007, notice was published in the **Federal Register** (72 FR 1218) that a request for a scientific research permit to take seven species of baleen whales, twenty-five species/stocks of odontocetes, and four species of pinnipeds, including the following endangered species: sperm whale (Physeter macrocephalus), sei whale (Balaenoptera borealis), blue whale (B. musculus), fin whale (B. physalus), humpback whale (Megaptera novaeangliae), and right whale (Eubalaena glacialis), had been submitted by the above-named organization. The requested permit has been issued under the authority of the

Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

This research permit authorizes aerial and vessel surveys to be conducted including close approach, photo-id, and incidental harassment of cetaceans. Level A activities include biopsy sampling and suction-cup tagging, which will be conducted on all age classes with the exception of neonates. Additionally, researchers are authorized to capture, biological sample, incidentally harass, and release four species of pinnipeds. Pinniped research would be conducted on all age classes including pups. The study area for this permit includes waters within or proximal to the U.S. Exclusive Economic Zone from Maine to Florida. Finally, researchers are authorized to import and export cetacean and pinniped specimens (including soft and hard tissue, blood, extracted DNA, whole dead animals, etc.) to/from any country.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 22, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–1431 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XF30

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Groundfish Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, February 11, 2008, at 9 am.

ADDRESSES: The meeting will be held at the Courtyard by Marriot, 1000 Market Street, Portsmouth NH 03801; telephone: (603) 436–2121.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978)465–0492.

SUPPLEMENTARY INFORMATION: The Groundfish Oversight Committee will meet to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). Amendment 16 is being developed to continue the rebuilding of groundfish stocks and will be implemented May 1, 2009. The Committee will develop a recommendation for Annual Catch Limits (ACLs), review plan development team recommendations for effort controls, and may address sector management issues. The Committee may also develop additional recommendations for Amendment 16 that will be considered by the Council at a meeting on February 13 and 14.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: January 23, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–1423 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XF31

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a three-day Council meeting on February 12–14, 2008, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, February 12 beginning at 9 a.m., and Wednesday and Thursday, February 13–14, beginning at 8:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03801; telephone: (603) 431–2300.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, February 12, 2008

Following introductions and any announcements the Council will receive a series of brief reports from the Council Chairman and Executive Director, the NOAA Fisheries Northeast Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel, NOAA Enforcement and representatives of the U.S. Coast Guard and the Atlantic States Marine Fisheries Commission.

The Council also will review and approve a scoping document for Amendment 15 to the Sea Scallop Fishery Management Plan (FMP). Issues that are likely to be included are annual catch limits and accountability measures, measures to address excess capacity and allow sectors in the limited access scallop fishery and reconsideration of the current scallop overfishing definition. Following an brief opportunity for the public to address items that are otherwise not listed on the Council agenda, there will be a final review of several Council policies concerning enforcement, advisory panels and sectors. The day will conclude with an update on the development of the Amendment 3 to the Skate FMP.

Wednesday, February 13, 2008

The Council's Research Steering Committee Chairman will recommend approval of comments on the NMFS proposed rule that would revise the experimental fishery permit process and ask for consideration and approval of Council research priorities for 2008. The Council also will review the findings of the committee concerning any cooperative research final reports they have reviewed. As a separate agenda item, the Council will consider commenting on any current experimental fishery permit applications. The Habitat Committee will review and discuss its recommendations on the previously designated Southern Canyon Habitat Areas of Particular Concern (HAPCs) and possibly ask for approval of any modifications to those HAPCs. The last item of the day will involve review and approval of a process to consider additional gears for use in the Northeast Multispecies (Groundfish) Regular B Days-at-Sea Program and the U.S./Canada Haddock Special Access Program. The Council also will review and approve an annual catch limit alternative for Amendment 16 to the Northeast Multispecies FMP.

Thursday, February 14, 2008

Groundfish issues will be covered throughout the final day of the meeting and will include consideration and approval of alternatives to be analyzed for Amendment 16 to the Northeast Multispecies FMP, including but not limited to effort controls, sector administration, research set-asides, annual catch limits and accountability measures and allowing vessels to possess both a limited access scallop and a groundfish permit.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: January 23, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–1424 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Recording Assignments

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 28, 2008.

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

E-mail: Susan.Fawcett@uspto.gov. Include ''0651–0027 comment'' in the subject line of the message.

Fax: 571–273–0112, marked to the attention of Susan Fawcett.

Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Joyce R. Johnson, Manager, Assignment Division, Mail Stop 1450, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 703–308–9706; or by e-mail at *Joyce.Johnson@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by 35 U.S.C. 261 and 262 for patents and 15 U.S.C. 1057 and 1060 of the Trademark Act of 1946 for trademarks. These statutes authorize the United States Patent and Trademark Office (USPTO) to record patent and trademark assignment documents, including transfers of properties (i.e. patents and trademarks), liens, licenses, assignments of interest, security interests, mergers, and explanations of transactions or other documents that record the transfer of ownership of a particular patent or trademark property from one party to another. Assignments are recorded for applications, patents, and trademark registrations.

The USPTO administers these statutes through 37 CFR 2.146, 2.171, and 37 CFR Part 3. These rules permit the public, corporations, other federal agencies, and Government-owned or Government-controlled corporations to submit patent and trademark assignment documents and other documents related to title transfers to the USPTO to be recorded. In accordance with 37 CFR 3.54, the recording of an assignment document by the USPTO is an administrative action and not a determination of the validity of the document or of the effect that the document has on the title to an application, patent, or trademark.

Once the assignment documents are recorded, they are available for public inspection. The only exceptions are those documents that are sealed under secrecy orders according to 37 CFR 3.58 or related to unpublished patent applications maintained in confidence under 35 U.S.C. 122 and 37 CFR 1.14. The public uses these records to conduct ownership and chain-of-title searches. The public may view these records either at the USPTO Public Search Facilities or at the National Archives and Records Administration, depending on the date they were recorded. The public may also search patent and trademark assignment information online through the USPTO Web site.

In order to file a request to record an assignment, the respondent must submit an appropriate cover sheet along with copies of the assignment documents to be recorded. The USPTO provides two paper forms for this purpose, the Patent Recordation Form Cover Sheet (PTO–1595) and the Trademark Recordation

Form Cover Sheet (PTO–1594), which capture all of the necessary data for accurately recording various assignment documents.

Customers may also submit assignments online by using the Electronic Patent Assignment System (EPAS) and the Electronic Trademark Assignment System (ETAS), which are available through the USPTO Web site. These systems allow customers to fill out the required cover sheet information online using web-based forms and then attach the electronic assignment documents to be submitted for recordation.

Previously, customers could also submit patent assignment recordation requests securely over the internet using special electronic filing software that was developed by the USPTO. Particularly large recordation requests that were prepared using the software could be copied onto a recordable compact disc (CD) and then submitted to the USPTO by mail. Since the USPTO has retired this electronic filing software in favor of the web-based filing system, the corresponding modes of submission are being deleted from this collection.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0027.

Form Number(s): PTO–1594 and PTO–1595.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions; the Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: 363,388 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to prepare and submit a patent or trademark assignment recordation request.

Estimated Total Annual Respondent Burden Hours: 181,695 hours per year.

Estimated Total Annual Respondent Cost Burden: $35,793,915 per year. The USPTO expects that the information in this collection will be prepared by both attorneys and paralegals. The estimated rate of $197 per hour used in this collection is an average of the paraprofessional rate of $90 per hour and the professional rate of $304 per hour for associate attorneys in private firms. Using the average rate of $197 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be $35,793,915 per year.

Item	Form number	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Patent Recordation Form Cover Sheet	PTO–1595	30	130,387	65,194
Trademark Recordation Form Cover Sheet	PTO–1594	30	4,584	2,292
Electronic Patent Assignment System (EPAS)	PTO–1595	30	203,969	101,985
Electronic Trademark Assignment System (ETAS)	PTO–1594	30	24,448	12,224
Totals			363,388	181,695

Estimated Total Annual Non-hour Respondent Cost Burden: $27,165,603 per year. There are no maintenance costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees, recordkeeping costs, and postage costs.

This collection has filing fees associated with submitting patent and trademark assignment documents to be recorded. The filing fees for recording patent and trademark assignments are the same for both paper and electronic submissions. However, the filing cost for recording patent or trademark assignments varies according to the number of properties involved in each submission.

The filing fee for submitting a patent assignment as indicated by 37 CFR 1.21(h) is $40 for recording each property in a document, while the filing fee for submitting a trademark assignment as indicated by 37 CFR 2.6(b)(6) is $40 for recording the first property in a document and $25 for each additional property in the same document. The USPTO estimates that the average fee for a patent assignment recordation request is approximately $65 and that the average fee for a trademark assignment recordation request is approximately $184. Therefore, this collection has an estimated total of $27,075,028 in filing fees per year.

Item	Form number	Estimated annual responses	Average fee amount	Estimated annual filing costs
Patent Recordation Form Cover Sheet	PTO–1595	130,387	$65.00	$8,475,155.00
Trademark Recordation Form Cover Sheet	PTO–1594	4,584	184.00	843,456.00
Electronic Patent Assignment System (EPAS)	PTO–1595	203,969	65.00	13,257,985.00
Electronic Trademark Assignment System (ETAS)	PTO–1594	24,448	184.00	4,498,432.00
Totals		363,388		27,075,028.00

There are also recordkeeping costs associated with submitting assignment documents online using EPAS and ETAS. The USPTO recommends that customers print and retain a copy of the acknowledgment receipt that appears on the screen after a successful submission. Customers will also receive an electronic copy of this receipt. The USPTO estimates that it will take 5 seconds (0.001 hours) to print a copy of the acknowledgment receipt and that approximately 228,417 submissions per year will be completed via EPAS and ETAS, for a total of approximately 228 hours per year for printing this receipt. The USPTO expects that these receipts will be printed by paraprofessionals at an estimated rate of $90 per hour, for a recordkeeping cost of $20,520 per year.

Customers may incur postage costs when submitting a patent or trademark assignment request to the USPTO by mail. The USPTO expects that some assignment requests will be submitted by fax but that approximately 87,569 of the 134,971 paper assignment requests per year will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed Patent or Trademark Recordation Form Cover Sheet submission is 80 cents, resulting in a total postage cost for this collection of $70,055 per year.

The total non-hour respondent cost burden for this collection in the form of filing fees, recordkeeping costs, and postage costs is estimated to be $27,165,603 per year.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 22, 2008.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division.

[FR Doc. E8–1389 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Privacy Act of 1974; System of Records

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of proposed new Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the United States Patent and Trademark Office (USPTO) gives notice of a proposed new system of records entitled ''COMMERCE/PAT–TM–21 National Medal of Technology and Innovation Nominations.'' We invite the public to comment on the system announced in this publication.

DATES: Written comments must be received no later than February 27, 2008. The proposed system of records will be effective on February 27, 2008, unless the USPTO receives comments that would result in a contrary determination.

ADDRESSES: You may submit written comments by any of the following methods:

E-mail: *Susan.Fawcett@uspto.gov.*

Fax: (571) 273–0112, marked to the attention of Susan Fawcett.

Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

All comments received will be available for public inspection at the Public Search Facilities, Madison East—1st Floor, 600 Dulany Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, (571) 272–5429.

SUPPLEMENTARY INFORMATION: The National Medal of Technology is the highest honor awarded by the President of the United States to America's leading innovators. Established by an act of Congress in 1980, the Medal of Technology was first awarded in 1985. The Medal is given annually to individuals, teams, and/or companies/divisions for their outstanding contributions to the Nation's economic, environmental and social well-being through the development and commercialization of technology products, processes and concepts; technological innovation; and development of the Nation's technological workforce. The purpose of the National Medal of Technology is to recognize those who have made lasting contributions to America's competitiveness, standard of living, and quality of life through technological innovation, and to recognize those who have made substantial contributions to strengthening the Nation's technological workforce. By highlighting the national importance of technological innovation, the Medal also seeks to inspire future generations of Americans to prepare for and pursue technical careers to keep America at the forefront of global technology and economic leadership.

The America Competes Act of 2007 abolished the Technology Administration of the Department of Commerce as of August 9, 2007 (sec. 3002). The administration and nomination processing for the National Medal of Technology has been officially transferred by the Secretary of Commerce to the United States Patent and Trademark Office (USPTO). In addition, the title of the award will be updated to the ''National Medal of Technology and Innovation.'' The USPTO is therefore giving notice of a new system of records that is subject to the Privacy Act of 1974. The proposed system of records will maintain information on individuals who are nominated for the National Medal of Technology and Innovation.

The proposed new system of records, ''COMMERCE/PAT–TM–21 National Medal of Technology and Innovation Nominations,'' is published in its entirety below.

COMMERCE/PAT–TM–21

SYSTEM NAME:

National Medal of Technology and Innovation Nominations.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Under Secretary and Director, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees for the National Medal of Technology and Innovation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nomination Form, including name, postal address, telephone number, e-mail address, citizenship, employment history, and other information pertaining to the applicant's activities. Statements containing various kind of information with respect to the contributions of the individual(s) and/or group(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 3711.

PURPOSE(S):

The information in this system of records is used by the Nomination Evaluation Committee to determine the eligibility and merit of nominees during the annual selection of the recipients of

the National Medal of Technology and Innovation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses Nos. 1–5, 9–10, and 12–13, as found at 46 FR 63501–63502 (December 31, 1981). The USPTO may use the information contained in this system of records in support of the work of the nomination committee. The USPTO, the Department of Commerce, the National Medal of Technology Nomination Evaluation Committee, and White House staff may use the information contained in this system of records in support of the nomination and award process. The Committee will discuss the achievements and biographical information submitted (contact information will not be disclosed) at meetings that are open to the public in accordance with the Federal Advisory Committee Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic media.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel in a building protected by security guards during nonbusiness hours. Systems are password protected.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the series record schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Under Secretary and Director, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from the Manager, National Medal of Technology and Innovation, Office of the Under Secretary and Director, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450. Requesters should provide their names in accordance with the inquiry provisions appearing in 37 CFR part 102 subpart B.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The rules for access, contesting contents, and appealing initial determinations by the individual concerned appear in 37 CFR part 102 subpart B. Requests from individuals should be addressed to the same address as stated in the notification section above.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information, as well as nominating entities and self-nominees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: January 22, 2008.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division.

[FR Doc. E8–1386 Filed 1–25–08; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Establishment of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Establishment of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.65, the Department of Defense gives notice that it is establishing the U.S. Nuclear Command and Control System Comprehensive Review Committee (hereafter referred to as the Committee).

The Committee is a discretionary federal advisory committee established under the authority of 41 CFR 102–3.50(d) to provide the Secretary of Defense, in his capacity as the Nuclear Command and control System Executive Agent, a comprehensive review of the U.S. Nuclear Command and Control System (NCCS). The Committee, considering the impact advanced technology, current and emerging threats, and evolving vulnerabilities have on the Nuclear Command and Control System, shall:

A. Examine the full range of NCCS policies, procedures, responsibilities, functions, capabilities, management and oversight necessary to:

1. Meet national and department/agency policy and guidance; and

2. Maintain the highest standards required for planning, directing, and controlling nuclear weapons, weapons systems, and associated operations.

B. Recommend changes to NCCS policies, responsibilities, functions, capabilities, management structures, and oversight mechanisms, as well as identifying other enhancements to NCCS elements (facilities, equipment, personnel, communications and procedures).

The Committee's review shall not address nuclear force size and structure, deterrence strategy, and arms control/threat reduction analyses.

The Committee shall be composed of a chairperson and no more than five distinguished members, who diverse expertise and background enable them to provide recommendations for improving the National Command and Control System to the NCCS Executive Agent.

The Committee members shall be appointed by the Secretary of Defense for the duration of the Committee, and their appointments will be renewed on an annual basis. Those members, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. 3109. Committee members, with the exception of travel and per diem for official travel, shall serve without compensation. The Secretary of Defense shall select the Committee's Chairperson.

The Committee shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Sunshine in the Government Act of 1976, and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Committee nor can they report directly to the Department of Defense or any federal officers or employees who are not Committee Members.

SUPPLEMENTARY INFORMATION: The Committee shall meet at the call of the Committee's Designated Federal Officer,

in consultation with the Committee's chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed Alternate Designated Federal Officer shall attend all committee meetings and subcommittee meetings.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the U.S. Nuclear Command and Control System Comprehensive Review Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the U.S. Nuclear Command and Control System Comprehensive Review Committee.

All written statements shall be submitted to the Designated Federal Officer for the U.S. Nuclear Command and Control System Comprehensive Review Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the U.S. Nuclear Command and Control System Comprehensive Review Committee's Designated Federal Officer, once appointed, may be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp*.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the U.S. Nuclear Command and Control System Comprehensive Review Committee. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

FOR FURTHER INFORMATION CONTACT: Contact Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703–601–2554, extension 128.

Dated: January 22, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–1390 Filed 1–25–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[USA–2008–0002]

Office of the Secretary; Privacy Act of 1974; System of Records

AGENCY: Army Review Boards Agency, DOD.

ACTION: Notice to amend a system of records.

SUMMARY: The Army Review Boards Agency (ARBA) is amending A0015–185 SFMR systems of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on February 27, 2008 unless comments are received that would result in a contrary determination.

ADDRESSES: Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA, 22202–4508.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dickerson at (703) 428–6513.

SUPPLEMENTARY INFORMATION: The Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 22, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Changes:

A0015–185 SFMR

SYSTEM NAME:

Correction of Military Records Cases (April 9, 1998, 63 FR 17388).

SYSTEM LOCATION:

Change address to ''1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Change entry to ''Present or former members of the U.S. Army, U.S. Army Reserve or Army National Guard or their authorized representatives who apply for the correction of his/her military records and review of Discharge from the Armed Forces of the United States.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Change entry to ''Application for Correction of Military Records (DD Form 149), Application for the Review of Discharge from the Armed Forces of the United States (DD 293), Individual's name (first and last), address, telephone number, email, fax number, branch of service, rank, social security number (SSN), date of discharge, type of discharge, relevant information pertaining to discharge or military corrective action, counselor's name, counselor's address, counselor's phone number and email, documentary evidence, affidavits, information from individual's military record pertinent to corrective action requested, testimony, hearing transcripts when appropriate, briefs/arguments, advisory opinions, findings, conclusions and decisional documents of the Board.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add to entry ''10 U.S.C. 1552, Correction of military records: claims incident thereto.''

* * * * *

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Change entry to ''Paper records in file folders and in electronic storage media.''

RETRIEVABILITY:

Change entry to ''Applicant's surname, Social Security Number (SSN) and/or number assigned to applicant.''

SAFEGUARDS:

Change entry to ''Information is privileged, and restricted to individuals who have a need for the record in the performance of their official duties. Computer terminals with access to the records are located in rooms with authorized personnel. These rooms are locked when unoccupied. Common Access Card (CAC) certificates and PIN, or login and passwords are used to support the minimum requirements of accountability, access control, least privilege, and data integrity. Additionally, intrusion detection systems, malicious code protection, and firewalls are used.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Change entry to ''Director, Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.''

NOTIFICATION PROCEDURE:

Change address to ''Director, Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.''

RECORD ACCESS PROCEDURES:

Change address to ''Director, Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.''

* * * * *

A0015–185 SFMR

SYSTEM NAME:

Correction of Military Records Cases

SYSTEM LOCATION:

Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508. Copy of Board decision is incorporated in petitioner's Official Military Personnel File except where such action would nullify relief granted, in which case application and decision are retained in files of the Correction Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present or former members of the U.S. Army, U.S. Army Reserve or Army National Guard or their authorized representatives who apply for the correction of his/her military records and review of Discharge from the Armed Forces of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for Correction of Military Record (DD Form 149), Application for the Review of Discharge from the Armed Forces of the United States (DD 293), individual's name (first and last), address, telephone number, email, fax number, branch of service, rank, social security number (SSN), date of discharge, type of discharge, relevant information pertaining to discharge or military corrective action, counselor's name, counselor's address, counselor's phone number and email, documentary evidence, affidavits, information from individual's military record pertinent to corrective action requested, testimony, hearing transcripts when appropriate, briefs/arguments, advisory opinions, findings, conclusions and decisional documents of the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 1552, Correction of military records: claims incident thereto; and E.O. 9397 (SSN).

PURPOSE(S):

Records are used by the Board to consider all applications properly before it to determine the existence of an error or an injustice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of Justice when cases are litigated.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in electronic storage media.

RETRIEVABILITY:

Applicant's surname, Social Security Number (SSN) and/or number assigned to applicant.

SAFEGUARDS:

Information is privileged, and restricted to individuals who have a need for the record in the performance of their official duties. Computer terminals with access to the records are located in rooms with authorized personnel. These rooms are locked when unoccupied. Common Access Card (CAC) certificates and PIN, or login and passwords are used to support the minimum requirements of accountability, access control, least privilege, and data integrity. Additionally, intrusion detection systems, malicious code protection, and firewalls are used.

RETENTION AND DISPOSAL:

Records are retained at the Army Review Boards Agency for at least 6 months after case is closed and then retired to the National Personnel Records Center where they are retained for 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.

Individual must furnish full name, Social Security Number, service number if assigned, current address and telephone number, information that will assist in locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, VA 22202–4508.

Individual must furnish full name, Social Security Number (SSN), service number if assigned, current address and telephone number, information that will assist in locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her Official Military Personnel File, other Army records/reports, relevant documents from any source.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 08–333 Filed 1–25–08; 8:45am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[USA–2008–0003]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is amending a system of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 27, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dickerson at (703) 428–6513.

SUPPLEMENTARY INFORMATION: The Department of Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 22, 2008.

L.M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

A0715–9 DCS, G–4

SYSTEM NAME:

Support Personnel Deployment Records (September 28, 2005, 70 FR 56646).

CHANGES:

* * * * *

SYSTEM LOCATION

Add third paragraph ''Archive location: Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Permanent. Keep until individual's deployment is terminated and then retire to the Army Electronic Archives (AEA). The AEA will transfer to the National Archives when the record is 25 years old.''

* * * * *

A0715–9 DCS, G–4

SYSTEM NAME:

Support Personnel Deployment Records.

SYSTEM LOCATION:

PRIMARY LOCATION:

The Army Knowledge office, 10125 Beach Road, Fort Belvoir, VA 22060–5801

SECONDARY LOCATION

Major Army commands, field operating agencies, installations and activities Army-wide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

ARCHIVE LOCATION:

Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees and contractors who are supporting ongoing contingency operations for active military missions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include a profile containing: full name of the individual; social security number(SSN); home, office, and deployed telephone numbers; home address and deployed address; home, office, and deployed e-mail addresses; emergency contact name and telephone numbers; contract number and contractor organization name, along with employer's contact name, address, and telephone number; next of kin name, phone and address; air travel itineraries and movements in theater of operations; copies of passport and/or visa and common access or identification card; photograph; trip information (e.g., destinations, reservation information); travel authorization information (e.g., Government orders or letters of authorization); trip dates; deployment processing information including training completed certifications, medical and dental screenings, blood type; and other official deployment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 108–375, Section 1205 and 1206; 10 U.S.C. 3013, Secretary of the Army; AR 715–9, Army Contractor Accompanying The Force; Field Manuel 3–100.21, Contactor on the Battlefield; and E.O. 9397 (SSN).

PURPOSE(S):

To plan and manage support personnel who deploy in support of ongoing contingency operations for active military missions; to conduct statistical studies for assisting in the management and accountability of support services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name and Social Security Number (SSN).

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, and administrative procedures. Access to any specific record is based on the need-to-know and the specific level of authorization granted to the user. Physical and electronic access is restricted to designated individuals having a need-to-know in the performance of official duties. Access to personal information is further restricted by the use of the Army Knowledge Online database (AKO) single sign-on and password authorization.

RETENTION AND DISPOSAL:

Permanent. Keep until individual's deployment is terminated and then retire to the Army Electronic Archives (AEA). The AEA will transfer to the National Archives when the record is 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Communication-Electronics Life Cycle Management Command, ATTN: CE–LCMC SPO, Fort Monmouth, NJ 07703–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate administrative office of their employing agency.

For verification purposes, individual should provide full name, SSN, sufficient details to permit locating pertinent records, and signature.

RECORDS ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate administrative office of their employing agency.

For verification purposes, individual should provide full name, SSN,

sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORDS PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, their employers, travel documentation, and service providers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–1391 Filed 1–25–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Partially Closed Meeting of the U.S. Naval Academy Board of Visitors

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. The meeting will include discussions of personnel issues at the Naval Academy, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The executive session of this meeting will be closed to the public.

DATES: The open session of the meeting will be held on Monday, March 3, 2008, from 8 a.m. to 10:45 a.m. The closed Executive Session will be held from 10:45 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at the U.S. Naval Academy, Alumni Hall, Decatur Road, Annapolis, MD 21402–5000.

FOR FURTHER INFORMATION CONTACT: Lieutenant Andrew B. Koy, USN, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402–5000, tel: 410–293–1503.

SUPPLEMENTARY INFORMATION: This notice is provided per the Federal Advisory Committee Act (5 U.S.C. App. 2). The executive session of the meeting will consist of discussions of personnel issues at the Naval Academy and internal Board of Visitors matters. The proposed closed session from 10:45 a.m. to 12 p.m. will include a discussion of new and pending courts-martial and state criminal proceedings involving the Midshipmen attending the Naval Academy to include an update on the pending/ongoing sexual assault cases, rape cases, etc. The proposed closed session from 10:45 a.m. to 12 p.m. will include a discussion of new and pending administrative/minor disciplinary infractions and nonjudicial punishments involving the Midshipmen attending the Naval Academy to include but not limited to individual honor/conduct violations within the Brigade. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting to the public. Accordingly, the Secretary of the Navy has determined in writing that the meeting shall be partially closed to the public because it will be concerned with matters listed in 5 U.S.C. 552b(c)(5), (6), and (7).

Dated: January 18, 2008.

T.M. Cruz,

Lieutenant, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8–1388 Filed 1–25–08; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Tribal Colleges and Universities

AGENCY: President's Board of Advisors on Tribal Colleges and Universities, Department of Education.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the upcoming meeting of the President's Board of Advisors on Tribal Colleges and Universities. The notice also describes the functions of the Board. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of its opportunity to attend.

Dates and Times: Monday, February 11, 2008, 1 p.m.–4:30 p.m.; Tuesday, February 12, 2008 9 a.m.–1:45 p.m.

ADDRESSES: The Board will meet at The Madison, Washington, DC, 1177 15th Street, NW., phone: (202) 862–1600.

FOR FURTHER INFORMATION CONTACT: Deborah Cavett, Executive Director, White House Initiative on Tribal Colleges and Universities, 1990 K Street, NW., Room 7014, Washington, DC 20006; telephone: (202) 219–7040; fax: 202–219–7086.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The President's Board of Advisors on Tribal Colleges and Universities was established under Executive Order 13270, dated July 2, 2002, and Executive Order 13446 dated September 28, 2007. The Board was established (a) to report to the President annually on the results of the participation of tribal colleges and universities (TCUs) in Federal programs, including recommendations on how to increase the private sector role, including the role of private foundations, in strengthening these institutions, with particular emphasis also given to enhancing institutional planning and development, strengthening fiscal stability and financial management, and improving institutional infrastructure, including the use of technology, to ensure the long-term viability and enhancement of these institutions; (b) to advise the President and the Secretary of Education (Secretary) on the needs of TCUs in the areas of infrastructure, academic programs, and faculty and institutional development; (c) to advise the Secretary in the preparation of a three-year Federal plan for assistance to TCUs in increasing their capacity to participate in Federal programs; (d) to provide the President with an annual progress report on enhancing the capacity of TCUs to serve their students; and (e) to develop, in consultation with the Department of Education and other Federal agencies, a private sector strategy to assist TCUs.

The purpose of the meeting is to update and document the Board's Action Agenda through a review of collaborative efforts, review the final draft of the FY 2006 Report to the President, and to discuss relevant issues to be addressed as the Board pursues opportunities to strengthen capacity of programs at the tribal colleges and universities.

Additional Information: Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Tonya Ewers at (202) 219–7040, no later than Monday, January 28, 2008. We will attempt to meet requests for accommodations after this date, but we cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

An opportunity for public comment is available on Tuesday, February 12, 2008, between 1:15 p.m. and 1:45 p.m. Comments will be limited to five (5)

minutes for those speakers who sign up to speak. Those members of the public interested in submitting written comments may do so at the address indicated above by Monday, January 28, 2008.

Records are kept of all Board proceedings and are available for public inspection at the Office of the White House Initiative on Tribal Colleges and Universities, U.S. Department of Education, 1990 K Street, NW., Washington, DC 20006, during the hours of 8 a.m. to 5 p.m., Eastern Standard Time, Monday through Friday.

Electronic Access to this Document: You may 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/federegister.*

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.*

Diane Auer Jones,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. E8–1364 Filed 1–25–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF07–12–000]

Dominion Transmission, Inc.; Notice of Intent to Prepare an Environmental Assessment for the Proposed Storage Factory Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit

January 18, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Storage Factory Project, involving construction and operation of facilities by Dominion Transmission, Inc. (Dominion) in Tioga County, Pennsylvania and Frederick County, Maryland. The EA will be used by the Commission in its decisionmaking process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of a second scoping period (due to changes in the project and design) that will be used to gather environmental input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on February 19, 2008.

Comments may be submitted in written or verbal form. Further details on how to submit written comments are provided in the Public Participation section of this notice. In lieu of sending written comments, you may choose to attend the public scoping meeting scheduled as follows:

Date and time	Location
Wednesday, February 6, 2008, 7 p.m. to 9 p.m. (EST).	Middletown Middle School, 100 High Street, Middletown, MD 21769, Telephone: (240) 236–4200.

This notice is being sent to affected landowners; Federal, State, and local government representatives and agencies; environmental and public interest groups; Native American tribes; other interested parties in this proceeding; and local libraries and newspapers. We [1] encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a Dominion representative about the acquisition of an easement to construct, operate, and maintain the proposed project facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, Dominion could initiate condemnation proceedings in accordance with State law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need to Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

On August 29, 2007, we issued a Notice of Intent to Prepare an Environmental Assessment for the Proposed Storage Factory Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit. At the time of that Notice, the project facilities were all in Pennsylvania. Subsequently, Dominion made modifications to its project design, which have resulted in the removal of some facilities and the addition of others. The current configuration of the proposed facilities is detailed below.

The Storage Factory Project would involve the leaching of two salt caverns and placing the first cavern in service by 2014. The project consists of constructing leaching/pumping facilities, a brine processing facility, water and brine pipelines, and a new compressor station for gas storage injection/withdrawal purposes in Tioga County, Pennsylvania. Alternative water sources for leaching of the salt caverns are also being investigated. Dominion is also proposing piping upgrades to its existing Sabinsville Storage Pool in Tioga County. In addition, Dominion proposes construction of a new 14,000 horsepower compressor station (Middletown Compressor Station) located off of Marker Road approximately two miles west of Middletown in Frederick County, Maryland.

As part of its modifications, Dominion has removed the proposed additional compression at Dominion's existing Ardell Station located in Elk County, Pennsylvania and approximately 7.5 miles of new 30-inch-diameter pipeline looping in Clinton County, Pennsylvania.

Dominion anticipates filing an application with the FERC after March 2008 and to seek the Commission's approval in time for Dominion to begin construction by March 2009, with a proposed in-service date of January 2014.

Project location maps are included in Appendix A.[2]

[1] ''We'' ''us'' and ''our'' refer to the environmental staff of the Office of Energy Projects, part of the Commission staff.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's Web site at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the ''Additional Information'' section of this notice.

Land Requirements for Construction

The Storage Factory Project is in the preliminary planning stage. The precise facility design, pipeline route, rights-of-way, and other details have not yet been finalized. Specific information on the proposed project location and the land used by it will be made available to the public when it is finalized.

Construction of the proposed project would affect a total of about 190.03 acres during construction. Following construction, about 87.13 acres would be allowed to revert to its previous conditions. Disturbance associated with aboveground facilities would permanently impact 57.23 acres of land. This includes the compressor station in Frederick County which would be located on approximately 11 acres within a 135 acre site that Dominion is seeking to acquire. The land is currently used for agriculture.

Dominion proposes to construct the pipelines associated with the Sabinsville Storage Pool in existing rights-of-way and it would seek a construction right-of-way width varying between 100-feet and 75-feet for the pipelines associated with the leaching and proposed gas storage areas.

The EA Process

For this project, the FERC staff has initiated its National Environmental Policy Act (NEPA) review prior to receiving the application. The purpose of the Commission's Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC. A docket number (PF07–12–000) has been established to place information filed by Dominion, and related documents issued by the Commission, into the public record. Once a formal application is filed with the FERC, a new docket number will be established. The FERC will be the lead Federal agency for the preparation of the EA which will satisfy the requirements of NEPA.

The NEPA requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues that should be addressed in the EA. We will consider all comments received during scoping in the preparation of the EA.

Our independent analysis and evaluation of the issues will be included in the EA. The EA will also include possible alternatives to the proposed project or portions of the project, and we will make recommendations on how to lessen or avoid impacts on the various resource areas of concern. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, State, and local agencies; elected officials; environmental and public interest groups; other interested parties; affected landowners; Native American tribes; libraries and newspapers; and the Commission's official service list for this proceeding. A 30-day comment period will be allotted for review of the EA. We will consider all comments submitted on the EA in any Commission Order that is issued for the project.

We are currently involved in discussions with other jurisdictional agencies to identify their issues and concerns. These agencies include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Susquehanna River Basin Commission, and Pennsylvania Department of Environmental Protection.

By this notice, we are asking these and other Federal, State, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

Currently Identified Environmental Issues

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified several issues that we think deserve attention based on a preliminary review of the project site and the facility information provided by Dominion. This preliminary list of issues and potential impacts may change based on your comments and our analysis.

- Impacts on perennial and intermittent streams and waterbodies.
- Evaluation of temporary and permanent impacts on wetlands and development of appropriate mitigation.
- Effect on federally and State-listed species.
- Alternative leaching water sources.
- Impacts on existing land uses.
- Visual impacts of the aboveground facilities on surrounding areas.
- Impacts on local air and noise quality associated with construction and operation.
- Impacts on cultural resources.
- Public safety and potential hazards associated with the transport of natural gas and the proposed compressor facilities.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commenter, your concerns will be addressed in the EA and considered by the Commission. Your comments should focus on the potential environmental effects of the proposal, reasonable alternatives to the proposal (including alternative locations and routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. If you have already mailed in comments in response to the initial Notice for this project, your comments will still be considered and you do not need to resubmit your comments. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 1;
- Reference Docket No. PF07–12–000;
- Mail your comments so that they will be received in Washington, DC, on or before February 19, 2008.

Please note that the Commission strongly encourages electronic filing of comments. See 18 Code of Federal Regulations (CFR) 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

The public scoping meeting (date, time, and location is listed above) is designed to provide state and local agencies, interested groups, affected landowners, and the general public with

Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to Dominion.

another opportunity to offer your comments on the project. Interested groups and individuals are encouraged to attend the meeting and to present comments on the environmental issues they believe should be addressed in the EA. A transcript of the meeting will be made so that your comments will be accurately recorded.[3]

All public meetings will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Once Dominion formally files its application with the Commission, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that you may not request intervenor status at this time. You must wait until a formal application is filed with the Commission.

Site Visit

On February 6, 2008, the Office of Energy Projects staff will conduct a pre-certification site visit of the proposed Middletown Compressor Station in Middletown, Maryland. We will view Dominion's proposed compressor station site and possibly alternative sites that are being considered for the proposed project. Staff will tour these proposed project areas by automobile and on foot. Representatives of Dominion will accompany the OEP staff.

All interested parties may attend the site visit. Those planning to attend must provide their own transportation. If you are interested in attending the site visit, please meet us at 1:30 p.m. at the proposed Middletown Compressor Station Site. The directions to the location of the proposed compressor station from Middletown, Maryland are as follows:

Take US–40–Alt West to Marker Road, turn left. Travel on Marker Road about 1.5 miles until you pass PL–1 pipeline and power lines. The proposed compressor station property will be on your left (see Appendix A map for location).

[3] We previously held a public scoping meeting on September 18, 2007, in Lawrenceville, Pennsylvania to address Dominion's proposed facilities in Pennsylvania.

For additional information, please contact the Commission's Office of External Affairs at 1–866–208–FERC (3372).

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. If you do not return the attached form (Appendix B), you will be removed from the Commission's environmental mailing list. All individuals who provide written comments, attend the scoping meeting, or return the ''Keep on Mailing List Form'' will remain on our environmental mailing list for this project.

Any individual who participated in the first scoping period will remain on our mailing list and does not need to mail back the enclosed ''Keep on Mailing List Form''. This includes those who already have:

- Mailed in comments to FERC;
- Mailed back the ''Keep on the Mailing List Form'' ; or
- Attended the scoping meeting in Lawrenceville, Pennsylvania, on September 18, 2007.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208–FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* PF07–12), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, Dominion has established an Internet Web site for this project at *http://www.dom.com/about/gas-transmission/storage/index.jsp.* The Web site includes a project overview, status, and answers to frequently asked questions. You can also request additional information by calling Dominion at 1–888–882–5055.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–1421 Filed 1–25–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF08–2–000]

MarkWest Pioneer, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Arkoma Connector Pipeline Project; and Request for Comments on Environmental Issues

January 18, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the proposed Arkoma Connector Pipeline Project which involves the construction and operation of natural gas pipeline facilities in Coal, Atoka, and Bryan Counties, Oklahoma. This notice announces the opening of the scoping period that will be used to gather environmental input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on February 20, 2008.

Comments may be submitted in written form or verbally. Further details on how to submit written comments are provided in the Public Participation portion of this notice.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. MarkWest Pioneer, L.L.C. (MarkWest) would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an

agreement, MarkWest could initiate condemnation proceedings in accordance with state law.

This notice is being sent to affected landowners; federal, state, and local government representatives and agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this proposed project and to encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

MarkWest seeks authorization to construct new pipeline facilities in Coal, Atoka, and Bryan Counties, Oklahoma. The Arkoma Connector Pipeline Project would consist of about 50 miles of 24-inch-diameter pipeline, a 10,000-horsepower compressor station and associated facilities, and two meter stations. The pipeline project would be designed to deliver a peak day capacity of 300,000 to 350,000 decatherms of natural gas from producers in the Arkoma Basin area of southeastern Oklahoma to the Midcontinent Express Pipeline that is currently proposed under Docket No. CP08–6–000. The general location of the proposed project facilities is shown in Appendix 1.[1]

Land Requirements for Construction

Construction of the proposed project would affect a total of about 629 acres. Following construction, about 319 acres would be allowed to revert to its previous conditions. Disturbance associated with aboveground facilities would permanently impact approximately 10 acres of land. The compressor station would require about 8 acres and the two meter stations would each require about 1 acre of disturbance. MarkWest would seek a 90-foot-wide construction right-of-way for the pipeline, and would maintain a 50-foot-wide permanent right-of-way for operation of the pipeline.

The EA Process

We[2] are preparing this EA to comply with the National Environmental Policy Act (NEPA) which requires the Commission to take into account the environmental impact that could result if it authorizes MarkWest's proposal. By this notice, we are also asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

NEPA also requires the FERC to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Land use.
- Water resources, fisheries, and wetlands.
- Cultural resources.
- Vegetation and wildlife.
- Air quality and noise.
- Endangered and threatened species.
- Hazardous waste.
- Public safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, the FERC staff has already initiated its NEPA review under its Pre-filing Process. The purpose of the Pre-filing Process is to encourage the early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By filing comments, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, reasonable alternatives to the proposal including alternative locations and routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 3.
- Reference Docket No. PF08–2–000.
- Mail your comments so that they will be received in Washington, DC, on or before February 20, 2008.

The Commission encourages electronic filing of comments. See Title 18 Code of Federal Regulations, section 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

We might mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the ''eLibrary'' link. Click on the eLibrary link, 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. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202)502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's Web site at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to MarkWest.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. E8–1419 Filed 1–25–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–323–000]

SYNERGY Power Marketing Inc.; Notice of Issuance of Order

January 18, 2008.

SYNERGY Power Marketing Inc. (SYNERGY) filed an application for market-based rate authority, with accompanying tariff. The proposed market-based rate tariff provides for the sale of energy and capacity at market-based rates. SYNERGY also requested waivers of various Commission regulations. In particular, SYNERGY requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by SYNERGY.

On January 18, 2008, 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 SYNERGY, 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). The Commission encourages the electronic submission of protests using the FERC Online link at *http://www.ferc.gov.*

Notice is hereby given that the deadline for filing protests is February 19, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, SYNERGY 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 SYNERGY, 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 SYNERGY'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. E8–1420 Filed 1–25–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–413–005]

East Tennessee Natural Gas, LLC; Notice of Amendment

January 18, 2008.

Take notice that on January 7, 2008, East Tennessee Natural Gas, LLC (East Tennessee), 5400 Westheimer Court, Houston, Texas 77056–5310, filed an abbreviated application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, for an amendment to its certificate of public convenience and necessity to increase the capacity of its Jewell Ridge Lateral, located in Tazewell and Smyth Counties, Virginia, from 235,000 Dth per day, as certificated in an order issued on February 8, 2006, to 275,862 Dth per day. East Tennessee does not request authorization to construct any facilities. East Tennessee proposes to continue to charge its existing rate for the expanded service, but states that a slightly higher rate could be supported based on the actual costs of the project.

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.

Any questions regarding the application are to be directed to Garth Johnson, General Manager, Certificates & Reporting, East Tennessee Natural Gas, LLC, 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251–1642, telephone no. (713) 627–5415 and E-mail: *gjohnson@spectraenergy.com.*

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 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.

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: February 8, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–1422 Filed 1–25–08; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2004–0122; FRL–8344–5]

Nanoscale Materials Stewardship Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document describes the design and format of EPA's Nanoscale Materials Stewardship Program (''the program'') for nanoscale materials under the Toxic Substances Control Act (TSCA). On July 12, 2007, EPA sought public comment on a concept paper that outlined its initial thinking on the design and development of the program, and several related documents. Based on ideas in the concept paper, written public comments, comments at public meetings, and scientific peer consultations on material characterization and risk management practices, EPA has developed this document to provide the final description and format of the program. EPA will consider refinements to the program over time based on experience and additional feedback from participants.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA–Hotline@epa.gov*.

For technical information contact: James Alwood, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8974; e-mail address: *alwood.jim@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, import, process, or use nanoscale materials that are chemical substances subject to the jurisdiction of TSCA. Potentially affected entities may include, but are not limited to:

- Chemical manufacturers (NAICS code 325), e.g., persons manufacturing, importing, processing, or using chemicals for commercial purposes.
- Petroleum and coal product industries (NAICS code 324), e.g., persons manufacturing, importing, processing, or using chemicals for commercial purposes.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected, such as researchers who develop and/or study nanoscale materials. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the descriptions in Unit II. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPPT–2004–0122. All documents in the docket are listed in the docket's index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

II. Nanoscale Materials Stewardship Program Introduction

EPA is implementing its Nanoscale Materials Stewardship Program ''the program'' to complement and support its new and existing chemical efforts on nanoscale materials under the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601). The program is to include but is not limited to engineered nanoscale materials (also known as nanoscale materials or nanoscale substances) manufactured or imported for commercial purposes as defined in 40 CFR 720.3(r).

With this document, EPA is inviting interested parties to participate in a ''basic'' program by submitting existing data on the engineered nanoscale materials they manufacture, import, process, or use. To help participants compile existing data and provide available information in a consistent format, EPA has developed an optional form for participants to use. The Agency is also inviting interested parties to participate in an ''in-depth'' program to test engineered nanoscale materials they manufacture, import, process, or use.

EPA intends to publish a summarized interim report approximately 1 year after the initiation of the program that will be based on data reported during the first 6 months of the basic program. EPA will then develop a more detailed report that reflects its evaluation of the program approximately 2 years after initiation of the program.

A. Background

The Nanoscale Materials Stewardship Program is intended to:

- Help the Agency gather existing data and information from manufacturers, importers, processors, and users of existing chemical nanoscale materials to build EPA's knowledge base in this area.
- Identify and encourage use of risk management practices in developing and commercializing nanoscale materials.
- Encourage the development of additional test data needed to provide a firmer scientific foundation for future work and regulatory/policy decisions.
- Encourage responsible development of nanoscale materials.

One approach for describing ''responsible development'' has been offered by the National Research Council (NRC) in the context of its first triennial review of the National

Nanotechnology Program as required under section 5(a) of the 21st Century Nanotechnology Research and Development Act (Public Law 108–153). In that review, the NRC characterizes ''responsible development'' ''...as the balancing of efforts to maximize the technology's positive contributions and minimize its negative consequences. Thus, responsible development involves an examination both of applications and of potential implications. It implies a committment to develop and use technology to help meet the most pressing human and societal needs, while making every reasonable effort to anticipate and mitigate adverse implications or unintended consequences.'' (Ref. 1)

On July 12, 2007, EPA released for public comment a Concept Paper for the Nanoscale Materials Stewardship Program under TSCA, (''concept paper''), a draft TSCA Inventory Status of Nanoscale Substances—General Approach, (''TSCA Inventory Paper'') (72 FR 38083) (FRL–8139–2), and a proposed Information Collection Request (ICR) (72 FR 38079) (FRL–8140–2) regarding the stewardship program. Based on the information in those documents and public comments, EPA is announcing the final format of the stewardship program.

This document describes the process for reporting on existing chemical nanoscale materials under the program, reporting on risk management practices for those nanoscale materials, and developing data on representative nanoscale materials. This document also describes the factors that interested parties could consider in deciding whether to participate in the program, what EPA will do with the data, and how it will report on and evaluate the program. It also describes the potential benefits, incentives, and EPA outreach activities that could affect participation in the program.

EPA reminds participants that participation in the program does not relieve or replace any requirements under TSCA that a manufacturer, importer, processor, or user of nanoscale materials may otherwise have.

EPA received numerous public comments supporting the stewardship program. Several commenters did not support developing a voluntary program because they wanted EPA to focus on issuing TSCA regulations regarding nanoscale materials. Other commenters asked EPA to consider issuing regulations under TSCA while implementing the program; they mentioned using information gathering authorities under section 8 of TSCA or its significant new use authority under section 5(a)(2) of TSCA. One specific commenter noted that the National Pollution Prevention and Toxics Advisory Committee (NPPTAC) overview document (Ref. 2) recommended that EPA initiate activities to utilize TSCA section 8(a) and 8(d) to complement any voluntary program it considers. While implementing the program, EPA will continue to consider, as appropriate, the timing and use of all of its authority under TSCA for nanoscale materials.

EPA also received numerous public comments either supporting or not supporting the approach outlined in the TSCA Inventory Paper. Commenters who did not support EPA's approach stated, among other things, that the Agency should consider physical characteristics when determining new versus existing chemical nanoscale materials under TSCA. However, the information provided by commenters has in large part already been considered by EPA, and did not, in the Agency's judgment, compel modification of the basic approach described in the TSCA Inventory Paper as previously issued for comment. Therefore, this approach will remain unchanged. EPA has developed a response to comments document for the public comments received regarding the TSCA Inventory Paper that is available in the public docket for this announcement.

EPA received several public comments on changes it should make to the concept paper, including definitions, materials that should or should not be included in the program, types of participants, and additional data elements that could be reported under the program. Rather than revise the concept paper EPA will continue to use it as a description of who EPA envisions participating and what nanoscale materials they would report, and has referenced the concept paper in the following paragraphs.

EPA received only a few minor comments on the ICR, which only resulted in minor amendments to the ICR that did not affect the overall substance of the ICR. For example, EPA amended the worksheet to the optional form by listing additional physical and chemical properties that could be relevant to nanoscale materials, and revised the form to clarify instructions and the presentation of requested information. The revised ICR was submitted to OMB for approval and underwent additional public comment as part of its submission to OMB under the Paperwork Reduction Act (72 FR 63175, November 8, 2007) (FRL–8493–9). The ICR is discussed in more detail in Unit III. of this document.

B. Program Participants

The program encompasses participants who manufacture, process, use, or import nanoscale materials for commercial purposes, including those who:

- Manufacture or import engineered nanoscale materials.
- Physically or chemically modify or process an engineered nanoscale material.
- Physically or chemically modify or process a non-nanoscale material to create an engineered nanoscale material.
- Use engineered nanoscale materials in the manufacture of a product.

Others, including researchers who develop or study engineered nanoscale materials may also participate. Any participation in the program is voluntary. Both new and existing chemical substances (as determined by the status of the substance on the TSCA inventory of chemical substances) can be included in the program, regardless of whether they qualify for exemptions from TSCA new chemical reporting.

Annex A of the concept paper further describes and provides examples regarding who could report and the types of materials that could be reported. The description is not meant to be exclusive. EPA received public comments on changes it should make to Annex A of the concept paper, including definitions or materials that should or should not be included in the program. EPA has not attempted to make definitive boundaries for reporting nanoscale materials under the program. The Agency has given examples and definitions in the concept paper to describe those nanoscale materials that may be reported under the program. EPA encourages anyone who manufactures, imports, processes, or uses nanoscale materials as described in Annex A of the concept paper and has pertinent information as described in Annex B of the concept paper or the ICR to participate in the program. If you have further questions please consult the person listed as the technical contact under **FOR FURTHER INFORMATION CONTACT**.

C. Program Components

EPA will implement the program in two parts. One part, a basic program, invites participants to report all known or reasonably ascertainable information regarding specific nanoscale materials, including risk management practices. Under the basic program EPA encourages participants to forward available data on nanoscale materials to

the Agency within 6 months of today's announcement of the program. Data received within the 6–month period will be used in preparing the interim report on the program. Participants may continue to submit new data that become available on any nanoscale material reported to EPA during the initial 6-month period. Participants may also identify additional nanoscale materials for which they may choose to submit information under the basic program.

The other part, an in-depth program, entails development of data. EPA is inviting participation in the in-depth program through this notice. Participants in the in-depth program would develop a plan and submit data over a longer period of time to be determined in the plan. EPA intends to conduct both the basic and in-depth program for the next 2 years although it may make adjustments or decide on future steps or direction of the program at an earlier point as sufficient experience is gained. For example, some testing initiated under the in-depth program is likely to extend beyond the 2-year point.

1. *Basic program*. The types of data that EPA has identified for reporting are detailed in Annex B of the concept paper and the ICR. These data include information on material characterization, hazard, use, potential exposures, and risk management practices. On September 6–7, 2007, (Ref. 3), EPA conducted a public scientific peer consultation on material characterization to receive views and comments on the type of material characterization information to be reported for nanoscale materials under the stewardship program. Comments from the scientific peer consultation and other public comments generally agreed with the types of data detailed in Annex B of the concept paper and the ICR. Several commenters also noted that not all data would be applicable to all nanoscale materials. EPA agrees and expects that participants will submit only data that are pertinent to their particular nanoscale materials.

Participants may provide data in any format or on any form that they choose; however, EPA has also developed an optional data submission form for participants. The optional form was developed based on the Agency's Premanufacture Notice (PMN) Form (EPA Form No. 7710–25) that is used for reporting to EPA regarding new chemical substances under TSCA. The optional form is designed for manufacturers and importers of chemical substances and EPA does not expect that researchers or other interested parties will fill out the entire form. The optional form identifies additional physical and chemical properties that may pertain to characterizing and evaluating nanoscale materials. Participants are encouraged but not required to use this form to submit information to EPA. Based on EPA's experience with the PMN form, it will be easier for EPA to evaluate the information if the optional reporting form is used.

Several commenters stated that filling out the entire form could be a burden, especially to small and medium-sized businesses not familiar with TSCA. While participants are encouraged to submit as much data and explanation as possible, they are not required to fill out the entire form to participate in the program. Nonetheless, the more complete the information provided to EPA, the greater benefit to both EPA and program participants (who may receive feedback from the Agency). More information is available about the data to be reported in the ICR for the program.

EPA invites participants to provide the information described in Annex B of the concept paper, the ICR, and the reporting form to the extent it is known or reasonably ascertainable to them. EPA is not requesting that participants in the basic program develop additional data. If the information identified is not available or applicable to the nanoscale material, participants would not submit those data. EPA encourages participants in the basic program to provide additional data if and when they become available. It would also be informative for participants to describe why information is not available or applicable. EPA requests that each nanoscale material be reported separately. If using the form, one form would be submitted for each nanoscale material. Participants who wish to identify nanoscale materials collectively, e.g. submit one form for a group of similar nanoscale materials, are requested to describe the parameters that form the basis for grouping.

EPA received numerous public comments regarding the need to establish target dates for submission of data under the program, noting that some participants in voluntary initiatives often wait until the latter stages of the program before submitting data or otherwise participating. Commenters suggested targets ranging from 3 to 9 months for submitting data under the basic program while allowing for a more flexible approach under the in-depth program. In response to these public comments, EPA is establishing a target of 6 months from today for participants to report under the basic program. In conducting its interim evaluation as described in Unit II.F., EPA intends to consider only data reported within the first 6 months of the program. In addition, the more data EPA receives during this 6–month period the easier it will be to fully integrate those data into the more comprehensive 2-year report. Data submitted during the first 6 months of the program will be a factor when the Agency considers whether to use regulatory information gathering authority under TSCA.

As noted earlier, participation in the stewardship program does not relieve or replace any requirements under TSCA that a manufacturer, importer, processor, or user of nanoscale materials may otherwise have. Manufacturers or importers who want further guidance on determining the Inventory status of specific nanoscale materials or submitting PMNs should consult the person listed as the technical contact under **FOR FURTHER INFORMATION CONTACT**. Where, for example, there is a requirement to submit a PMN, participation in the program would not satisfy this requirement; a separate PMN would need to be filed. If a manufacturer of a nanoscale material that is a new chemical substance under TSCA submits a premanufacture notification to EPA, they are encouraged to also participate in the stewardship program by submitting that information to EPA. Alternatively, the PMN submitter may simply notify EPA of the PMN submission of a nanoscale material it wants to include in the stewardship program.

2. *In-depth program*. The data and experience generated by the basic program, including input from the interim program evaluation will help to inform the types of in-depth data that need to be developed. In-depth data development will likely apply to a smaller set of representative nanoscale materials designated for further evaluation by participants who agree to sponsor the development of data for a particular nanoscale material. EPA and the sponsor(s) would sort through the data development approach and elements. For example, EPA and the sponsor(s) can review existing data, conduct preliminary assessments, and identify additional data needed to better characterize hazard, risk, and exposure issues for the material. Once testing has been identified, and considering input from stakeholders, EPA and the sponsor(s) will jointly develop a plan of action that could include:

- Characterizing the physical/chemical properties of the material.

- Testing for health and environmental hazards.
- Determining fate and transport characteristics.
- Monitoring or estimating exposures and releases.
- Evaluating the effectiveness of engineering controls and protective equipment.
- Developing a model worker education program.
- Other evaluations and/or actions as appropriate.

In some cases, a particular sponsor may choose to implement one or more aspects of the plan, or a consortium of sponsors and other stakeholders may work together to implement aspects of the plan. The last three bullets are specific examples of areas where input from the Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health would be valuable. At the completion of the plan, EPA and sponsors, considering input from stakeholders, will again review the information gathered; conduct final assessments; and consider any further action.

Entities who want to participate in the in-depth program would notify EPA as described further in Unit II.H. As soon as potential sponsors are identified, EPA will coordinate the process for in-depth data development. EPA will begin to coordinate meetings for the in-depth program 90 days after announcement of the program. To avoid duplication of testing, the in-depth program will be coordinated with EPA's research program, other federal testing and research programs, and internationally through the Organization for Economic Cooperation and Development's Working Party on Manufactured Nanomaterials. EPA will also coordinate with the Canadian government to encourage participation of Canadian companies in the in-depth program or participation of American companies in Canadian data development activities which will allow joint development and sharing of data by both countries.

D. CBI

Recognizing that this is a program that involves voluntary submissions of information and that the application of TSCA to all the data submitted in connection to the program cannot be determined in advance, EPA is advising participants in the stewardship program that submission of information under the program will constitute consent for the Agency to treat this information as if it had been submitted under TSCA. Claims of confidentiality will therefore be handled in accordance with 15 U.S.C. section 2613 and 40 CFR parts 2 and 720. EPA has a long history of successfully handling and protecting TSCA CBI information.

EPA encourages participants to give careful consideration to what information they will and will not claim as CBI. EPA encourages participants to make as much data as possible available to the public. The more information that is available to the public, the more transparent EPA will be able to be in demonstrating benefits and knowledge learned from the stewardship program. Under some circumstances, EPA will also, where possible, share aggregated data with the public. One important aspect of EPA's strong commitment to transparency is involving stakeholders and the public in its programs and processes.

With permission of the submitting company, EPA would also share CBI with other governments who agree to protect the information from disclosure in an appropriate manner. EPA has included a box to check on the reporting form if participants are willing to allow such sharing. EPA would contact a participant before releasing any data and provide the reasons for doing so. One possible purpose for sharing data would be to improve consistency of approaches among trading partners while protecting CBI and maintaining a consistently high level of health and environmental protection. If the data are confidential business information, it may also be used by other Federal agencies that have TSCA CBI clearance, in accordance with CBI procedures. Non-confidential portions of this information may be used by the public, academics, states, local and tribal governments, as well as foreign governments and international organizations.

E. Risk Management Practices

The objectives of typical risk management programs are to consider alternatives to minimize or eliminate exposures and releases of hazardous materials. In its (''Approaches to Safe Nanotechnology - An Information Exchange with NIOSH''), NIOSH stated in the executive summary: ''Given the limited amount of information for determining if engineered nanoparticles pose an occupational health risk, it is prudent to take precautionary measures to minimize worker exposures'' (Ref. 4). Recognizing the uncertainties surrounding the evolving science and technology of nanoscale materials, EPA also encourages use of exposure mitigation practices for nanoscale materials.

EPA invites each participant in the basic program to submit available data on risk management practices for nanoscale materials it manufactures, imports, processes, or uses. A participant who has already developed a risk management plan is invited to include the plan as part of its submission under the basic program. EPA encourages participants who do not have a risk management plan to consider developing one. Participants will find information describing risk managment practices on page 13, section II.C. of the optional reporting form. Participants could also consider information that is relevant to risk management practices for nanoscale materials in the report of the public scientific peer consultation on risk management practices EPA conducted in October 2006. EPA included input from this scientific peer consultation when developing risk management considerations (See the Final Meeting Summary Report, *http://www.epa.gov/opptintr/nano/nanopublicmeeting summaryfinaloct2006.pdf).* EPA is not prescribing specific risk management practices that would be used for all nanoscale materials.

EPA encourages anyone with additional information on risk management practices for nanoscale materials to submit the information to EPA. New information that EPA receives in the program or is available from other sources may result in EPA amending the information it considers relevant to risk management practices for nanoscale materials.

F. EPA Use of the Data

EPA will use the data from the stewardship program to gain a better understanding of the nature of nanoscale materials that are produced; the quantities in which they are produced; how they are or will be used; any hazards, exposures, or releases associated with those materials; and how these hazards are being addressed. EPA scientists will use data collected through this program, where appropriate, to aid in determining how and whether certain nanoscale materials or categories of nanoscale materials may present risks to human health and the environment. EPA may use the data for a variety of purposes including building new assessment methods and models or incorporating the data into existing models with regard to hazard, exposure, and fate. The data will help increase EPA's capacity to assess benefits from nanoscale materials. As EPA reviews specific data that are submitted it may find other uses for the data.

EPA will also evaluate the information submitted under the program to make the following determinations:

• Identify the data that may be useful to evaluate a specific nanoscale material. EPA may contact participants on a case-by-case basis to clarify if further data are available or why certain data were unavailable or not submitted.

• Identify any additional risk management practices for participants to consider.

• Identify nanoscale materials or categories of nanoscale materials that warrant future concerns or actions based on existing information, or should be treated as a lower priority for further consideration.

If the hazard, exposure, and fate data submitted by a participant indicate that potential risks may exist for a specific nanoscale material, EPA may work with the participant to determine possible actions to avoid, reduce, or mitigate potential risks.

If the data submitted by a participant indicate that the participant is manufacturing a nanoscale material that is reportable under section 5 of TSCA (15 U.S.C. 2613) as a new chemical substance, EPA will inform the participant of that situation, the applicable TSCA requirements, and the TSCA section 5 enforcement policy (*http://www.epa.gov/compliance/resources/policies/civil/tsca/tscasec5erpamend-060889.pdf*). EPA encourages manufacturers, importers, and processors of nanoscale materials to consult with EPA regarding questions of the TSCA Inventory status of such materials before beginning commercial activity. EPA will work with program participants who also have reporting requirements under section 5 of TSCA to minimize or eliminate duplicative reporting of the same information.

EPA intends to publish an interim report approximately 1 year after announcement of the program. The purpose of the report would be to describe participation in the basic component of the program during its first 6 months. The report would summarize, to the extent possible, considering CBI claims, who reported, the types of data available, the reasons some data were reported as not being available, additional data that would be useful to improve risk assessment and any activities for which data are being used. The report is expected to address only the data received within 6 months of this announcement of the program. As suggested by several commenters, EPA will also issue quarterly updates on the OPPT nanotechnology website (*http://epa.gov/oppt/nano/index.htm*) regarding the number of submissions received and any activity under the in-depth program.

EPA also intends to develop a more detailed report and evaluation of the program approximately 2 years after announcement of the program. This report will describe how the stewardship program addressed the objectives identified in Unit II.A. EPA welcomes suggestions for criteria to evaluate the program. At the time of the 2-year report, EPA intends to determine the future direction of the basic reporting phase as well as in-depth data development, although it may make adjustments or decide on future steps at an earlier point as sufficient experience is gained. This would also include consideration of information gathering authorities under TSCA.

G. Benefits of Participation

EPA believes that participation in the stewardship program will encourage responsible development of nanoscale materials and will benefit all stakeholders. Development and sharing of data on nanoscale materials to the fullest extent possible will enhance each stakeholder's ability to make informed decisions regarding nanoscale materials. Applying a stewardship approach will help participants to identify and develop appropriate environmental health and safety plans in their workplaces as well as throughout an industrial supply chain. EPA is committed to an open and transparent process in the development and implementation of the stewardship program.

EPA sought comments and ideas on incentives for participation in the stewardship program and how it could identify and reach out to the many small and medium sized nanotechnology businesses. Many of these entities have limited experience with TSCA and may have limited resources for participation in a voluntary stewardship program. EPA will use information from its own small business office to meet with small and medium sized nanotechnology companies to assist these companies with understanding TSCA and participating in the stewardship program.

EPA received two comments that participants in the stewardship program who become aware they should have submitted a PMN for a nanoscale material submitted to the program, be allowed to submit a PMN without penalty. Several commenters also suggested that program participants should be exempt from future EPA reporting requirements EPA may issue for nanoscale materials. EPA will not exempt anyone from TSCA requirements for participating in the program.

EPA will also acknowledge participants in the program on EPA's OPPT webpage, provided the participants have not claimed their identity as CBI or otherwise object to such acknowledgement.

H. How to Participate

EPA encourages anyone with further questions to consult the person listed as the technical contact under **FOR FURTHER INFORMATION CONTACT**. Send submissions for the basic program, requests to participate in the in-depth program, or any other input regarding the program to these addresses:

• *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, ATTN: Nanoscale Materials Stewardship Program.

• *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Clearly mark any documents as pertaining to the Nanoscale Materials Stewardship Program. If you are claiming information as CBI or other information whose disclosure is restricted by statute you must clearly label the information that is CBI. If you are using the reporting form follow the instructions on the reporting form. If information is claimed as confidential, a sanitized version (including attachments) should be provided. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. If you submit an electronic submission, EPA recommends that you include your name and other contact information in the body of the submission and with any disk or CD–ROM you submit. If EPA cannot read your submission due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your submission. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Given security measures for mail, EPA does not recommend mail for a disk or CD–ROM because the equipment used to

scan the mail may destroy the disk or CD–ROM.

III. Paperwork Reduction Act Notice

The Office of Management and Budget (OMB) has approved the information collection activities associated with the Nanoscale Materials Stewardship Program (NMSP) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*. and has assigned OMB control number 2070–0170. EPA has prepared an Information Collection Request (ICR) that describes the information collection activities and EPA's estimated burden, which is summarized in this unit. The ICR is identified by EPA ICR No. 2250.01. A copy of the ICR and public comments (described in Unit II.A. of this document) are available under Docket ID No. EPA–HQ–OPPT–2007–0572.

As described in more detail in the ICR, the annual burden for this collection of information is estimated to average 154.3 hours per response for the basic NMSP, and 2,500 hours for the in-depth NMSP, based on 240 responses for the basic NMSP and 15 responses for the in-depth NMSP. According to the PRA, ''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. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection activity appears in this document, in the **Federal Register** document announcing the approval of the ICR, and on the optional collection instrument or form.

IV. Statutory and Executive Order Reviews

This document describes the design and format of EPA's Nanoscale Materials Stewardship Program, which is a voluntary program to collect data for nanoscale materials under TSCA. This action is not a regulatory action or a significant guidance document under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), as amended by Executive Order 13422 on January 18, 2007 (72 FR 2763). As such, this action does not require review by OMB under Executive Order 12866.

In addition, Executive Orders 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997) and 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), do not apply to this action because it is not ''economically significant'' as defined by section 3(f) of Executive Order 12866. Nor does this action establish an environmental standard that may have a negatively disproportionate effect on children, or otherwise have any significant adverse effect on the supply, distribution, or use of energy.

This action is not subject to the notice-and-comment requirements under the Administrative Procedure Act or any other statute. As such, it is not subject to the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.). Further, today's action is expected to only have a limited impact because only entities that volunteer to participate in the NMSP will be impacted.

Based on EPA's experience with review of PMNs; State, local, and Tribal governments have not been impacted by these activities, and EPA does not have any reason to believe that any State, local, or Tribal government would be impacted by this action. As such, the Agency concludes that this action will not have substantial direct effects on the States or 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Nor does this action significantly or uniquely affect the communities of tribal governments as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 10, 1998). In addition, EPA has determined that this action would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

This action will not have an adverse impact on the environmental and health conditions in low-income and minority communities. Therefore, under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), the Agency is not required to and has not considered environmental justice-related issues.

V. References

1. A Matter of Size: Triennial Review of the National Nanotechnology Initiative, The National Academies Press. p. 73 (2006).

2. NPPTAC 2005. Overview of Issues for Consideration by NPPTAC. Document ID EPA–HQ–OPPT–2002–0001–0068. *http://www.regulations.gov/fdmspublic/component/main*.

3. Material Characterization of Nanoscale Materials; Notice of Public Meeting, August 13, 2007 (72 FR 45244) (FRL–8144–1).

4. NIOSH 2007. National Institute for Occupational Safety and Health, December 2007, Approaches to Safe Nanotechnology—An Information Exchange with NIOSH. *http://www.cdc.gov/niosh/topics/nanotech/safenano/summary.html*.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Nanoscale materials.

Dated: January 22, 2008.

James B. Gulliford,

Assistant Administrator, for Prevention, Pesticides and Toxic Substances.

[FR Doc. E8–1411 Filed 1–25–08; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 08–7; DA 08–78]

Comment Sought on Petition for Declaratory Ruling That Text Messages and Short Codes Are Title II Services or Are Title I Services Subject to Section 202 Non-Discrimination Rules

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, comment is sought on a December 11, 2007 petition for declaratory ruling (Petition) filed by Public Knowledge, Free Press, Consumer Federation of America, Consumers Union, EDUCAUSE, Media Access Project, New America Foundation, and U.S. PIRG (Petitioners). The Petitioners ask the Federal Communications Commission (Commission) to clarify the regulatory status of text messaging services, including short-code based services sent from and received by mobile phones, and declare that these services are governed by the anti-discrimination

provisions of Title II of the Communications Act.

DATES: Interested parties may file comments on or before February 13, 2008, and reply comments on or before March 14, 2008.

ADDRESSES: You may submit comments, identified by WT Docket No. 08–7, by any of the following methods:

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

• *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.

• *Mail:* 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.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice released on January 14, 2008. The full text of the Public Notice is available for public inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th St., SW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th St., SW., Room CY–B402, Washington, DC, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.* Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov.*

The Petitioners assert that text messaging is ''rapidly becoming a major mode of speech, as a replacement for and a complement to traditional voice communications,'' and that ''short codes are developing into an important tool for political and social outreach.'' The Petitioners allege that mobile carriers ''arbitrarily decide what customers to serve and which speech to allow in text messages, refusing to serve those that they find controversial or that compete with the mobile carriers' services.'' In their Petition, the Petitioners request that the Commission declare that text messaging services are ''commercial mobile services'' governed by Title II, and thus are subject to the non-discrimination provisions of section 202. Alternatively, the Petitioners request that, if the Commission declares that these services are ''information services'' subject to its Title I authority, the Commission should exercise ancillary jurisdiction to apply the non-discrimination provisions of Title II to text messaging services. Petitioners also request that, in either case, the Commission should declare that refusing to provision a short code or otherwise blocking text messages because of the type of speech, or because the party seeking such service is a competitor, is ''unjust and unreasonable discrimination'' in violation of law.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking 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 docket 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.

People with Disabilities: 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).

Federal Communications Commission.

Fred B. Campbell, Jr.,

Chief, Wireless Telecommunications Bureau.

[FR Doc. E8–1452 Filed 1–25–08; 8:45 am]

BILLING CODE 6712–01–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 February 12, 2008.

A. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Patricia L. Pierce, as an individual, and Patricia L. Pierce and Oliver P. Smith, both of Menasha, Wisconsin, as a group acting in concert, 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 23, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–1384 Filed 1–25–08; 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 22, 2008.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Community Bankers Acquisition Corp., Great Falls, Virginia (to be renamed Community Bankers Trust Corporation); to become a bank holding company by acquiring 100 percent of the voting shares of TransCommunity Financial Corporation, Glen Allen, Virginia, and thereby indirectly acquire voting shares of TransCommunity Bank, National Association, Manakin–Sabot, Virginia.

B. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. First National Bancorp, Inc., Green Forest, Arkansas; to acquire additional voting shares, for a total of 9.99 percent of the voting shares of Legacy National Bank, Springdale, Arkansas.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Relationship Financial Corporation; to become a bank holding company by acquiring 100 percent of the voting shares of Guadalupe National Bank, both of Kerrville, Texas (in organization).

Board of Governors of the Federal Reserve System, January 23, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–1383 Filed 1–25–08; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10210]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320(a)(2)(ii). This is necessary to ensure compliance with an initiative of the Administration. We cannot reasonably comply with the normal clearance procedures because of an unanticipated event, as stated in 5 CFR 1320.13(a)(2)(ii).

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Additional Quality Measures and Procedures for Hospital Reporting of Quality Data for the FY 2009 IPPS Annual Payment Update (Surgical Care Improvement Project & Mortality Measures); *Form Number:* CMS–10210 (OMB#: 0938–1022); *Use:* The approval of this data collection process is essential to meet the requirements of Section 404 of the Medicare Prescription Drug and Modernization Act (MMA) of 2003 and its applicability to the hospital market basket. This section of the MMA requires the Secretary of Health and Human Services to, "... establish a frequency for revising such [market basket] weights *including the labor share,* in such market basket to reflect the most current data available more frequently than every five years."

This information is used by Quality Improvement Organizations (QIOs) to

identify opportunities for improvement, and to effectively target quality improvement initiatives in order to meet the statutory requirements for QIOs. The information will be made available to hospitals for their use in internal quality improvement initiatives. The information is used by CMS to direct its contractors to focus on particular areas of improvement, and to develop quality improvement initiatives. Most importantly, this information is available to beneficiaries, as well as to the public in general, to provide hospital information to assist them in making decisions about their health care. CMS conducts focus groups or market testing prior to public reporting hospital quality data on the Hospital Compare Web site.

For FY 2008, we propose to add the HCAHPS Survey to the measure set. For FY 2009, the set of measures for the RHQDAPU program will consist of measures previously approved through the PRA process, as well as additional measures identified through this rulemaking. We propose to add the following additional measures for FY 2009: Pneumonia 30-day Mortality (Medicare patients); SCIP Infection 4: Cardiac Surgery Patients with Controlled 6AM Postoperative Serum Glucose; SCIP Infection 6: Surgery Patients with Appropriate Hair Removal.

These three measures were recently endorsed by the National Quality Forum (NQF) and will be added to the set. All of these measures have been approved by the Hospital Quality Alliance (HQA) for inclusion in the national voluntary hospital reporting set, and are fully specified and included in The Joint Commission *Specifications Manual for National Hospital Quality Measures.* The measures offer important additions to our understanding of patient outcomes (mortality) and patient safety efforts, and could help encourage additional systems change in hospitals in the areas of pneumonia care and surgical services. *Frequency:* Recordkeeping, reporting, third-party disclosure—quarterly; *Affected Public:* Business or other for-profit, not-for-profit; *Number of Respondents:* 3,700; *Total Annual Responses:* 3,700; *Total Annual Hours:* 806,250.

CMS is requesting OMB review and approval of this collection by February 29, 2008, with a 180-day approval period. Written comments and recommendations will be considered from the public if received by the individuals designated below by February 25, 2008.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.cms.hhs.gov/regulations/pra* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by February 27, 2008.

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

and,

OMB Human Resources and Housing Branch, Attention: Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: (202) 395–6974.

Dated: January 18, 2008.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E8–1361 Filed 1–25–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10255, CMS–10112, CMS–R–148 and CMS–287–05]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Evaluation of Care and Disease Management Under Medicare Advantage. *Use:* CMS is conducting an evaluation of care and disease management programs under Medicare Advantage (MA), which includes a survey of all MA plans. The survey will help describe the structure and operation of these programs. The survey will gather information about MA health plans' care and disease management programs that is not available from other sources, such as relations with health providers, the use of electronic data systems, characteristics of care and disease management programs, population served, physician intervention, differences with regular MA plans and special needs plans, and evidence of effectiveness and assessment of costs. Information is collected through a one-time, self-administered mail questionnaire. *Form Number:* CMS–10255 (OMB# 0938–New); *Frequency:* Once; *Affected Public:* Private sector–Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 475; *Total Annual Responses:* 475; *Total Annual Hours:* 435.

2. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Phone Surveys of Products and Services for Medicare Payment Validation and Supporting Regulations in 42 CFR 405.502. *Use:* The phone surveys of products and services for Medicare payment validation and supporting regulations in 42 CFR 405.502 will be used to identify specific products/services provided to Medicare beneficiaries and the costs associated with the provision of those products/services. The information collected will be used to validate the Medicare payment amounts for those products/services and institute revisions of payment amounts where necessary.

The respondents will be the companies that have provided the product/service under review to Medicare beneficiaries. *Form Number:* CMS–10112 (OMB# 0938–0939); *Frequency:* Occasionally; *Affected Public:* Private sector–Business or other for-profit; *Number of Respondents:* 4,000; *Total Annual Responses:* 4,000; *Total Annual Hours:* 16,000.

3. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Limitations on Provider Related Donations and Health Care Related Taxes; Limitation on Payments for Disproportionate Share Hospitals and Supporting Regulations in 42 CFR 433.68, 433.74 and 447.272; *Use:* This information collection is necessary to ensure compliance with Sections 1903 and 1923 of the Social Security Act for the purpose of preventing payments of Federal financial participation on amounts prohibited by statute. *Form Number:* CMS–R–148 (OMB# 0938–0618); *Frequency:* Quarterly and occasionally; *Affected Public:* State, Local or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200.

4. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Chain Home Office Cost Statement and supporting Regulations in 42 CFR 413.17 and 413.20; *Use:* The Form CMS–287–05 is filed annually by Chain Home Offices to report the information necessary for the determination of Medicare reimbursement to components of chain organizations. However, where providers are components of chain organizations, information included in the chain home office cost statement is in addition to that included in the provider cost report and is needed to determine whether payments are appropriate. *Form Number:* CMS–287–05 (OMB# 0938–0202); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 1,345; *Total Annual Responses:* 1,345; *Total Annual Hours:* 626,770.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by March 28, 2008.

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: January 18, 2008.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E8–1363 Filed 1–25–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–3195–N]

Medicare Program; Request for Nominations for Members of the Medicare Evidence Development and Coverage Advisory Committee (MedCAC)

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

ACTION: Notice.

SUMMARY: This notice announces the request for nominations for consideration for membership on the Medicare Evidence Development and Coverage Advisory Committee (MedCAC).

We are requesting nominations for both voting and nonvoting members to serve on the MedCAC. Nominees are selected based upon their individual qualifications and not as representatives of professional associations or societies. We have a special interest in ensuring that women, minority groups, and physically challenged individuals are adequately represented on the MedCAC. Therefore, we encourage nominations of qualified candidates from these groups.

The MedCAC reviews and evaluates medical literature, reviews technology assessments, and examines data and information on the effectiveness and appropriateness of medical items and services that are covered or eligible for coverage under Medicare. The MedCAC advises the Secretary of the Department of Health and Human Services (the Secretary) and the Administrator of the Centers for Medicare and Medicaid Services (CMS), as requested by the Secretary, whether medical items and services are reasonable and necessary under Title XVIII of the Social Security Act.

DATES: Nominations will be considered if postmarked by 5 p.m., d.s.t. on March 10, 2008 and sent to the designated address provided in the **ADDRESSES** section of this notice.

ADDRESSES: You may mail nominations for membership to: Centers for Medicare and Medicaid Services, Office of Clinical Standards and Quality, Attention: Maria A. Ellis, 7500 Security Blvd., Mail Stop: 1–09–06, Baltimore, MD 21244.

FOR FURTHER INFORMATION CONTACT: Maria Ellis, Executive Secretary for MedCAC, Centers for Medicare and Medicaid Services OCSQ–Coverage and Analysis Group, C1–09–06, 7500 Security Blvd., Baltimore, MD 21244. 410–786–0309; *Maria.Ellis@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On December 14, 1998, we published a notice in the **Federal Register** (63 FR 68780) announcing the establishment of the Medicare Coverage Advisory Committee (MCAC). The Secretary signed the initial charter for the Medicare Coverage Advisory Committee on November 24, 1998. In January 2007, CMS redesignated the MCAC to the Medicare Evidence Development and Coverage Advisory Committee (MedCAC). The charter was renewed by the Secretary and will terminate on November 23, 2008, unless renewed again by the Secretary.

The MedCAC is governed by provisions of the Federal Advisory Committee Act, (Pub. L. 92–463), as amended (5 U.S.C. App. 2), which sets forth standards for the formulation and use of advisory committees, and is authorized by section 222 of the Public Health Service Act as amended (42 U.S.C. 217a).

The MedCAC consists of a maximum of 100 appointed members. Of these, a maximum of 88 members are at-large standing voting members. Six of the 88 at-large voting member positions are reserved for patient advocates. The remaining 12 are nonvoting members (6

that represent consumer interests and 6 that represent industry interests).

Members are selected by the Secretary or designee from among the following areas: Clinical and administrative medicine; biologic and physical sciences; public health administration; patient advocacy; health care data and information management and analysis; health care economics; medical ethics; and other related professions. Members are invited to serve a 2-year term with the option of a 2-year extension. A Chair and Vice-Chair are appointed from the pool of at-large members. The Chair and Vice-Chair serve 1-year terms and may not serve more than 2 consecutive years in their respective capacities.

The Committee works from an agenda provided by the Designated Federal Official that lists specific issues, develops technical advice to assist us in determining reasonable and necessary applications of medical services and technology when we make national coverage decisions for Medicare, and advises CMS as part of the Medicare coverage evidence development activities.

II. Provisions of the Notice

The terms of 38 MedCAC members have expired. Of these 3 are nonvoting consumer representatives, 1 is a nonvoting industry representative, and 4 are voting patient advocates. Therefore, we are soliciting nominations to fill these positions. All nominations must be accompanied by curricula vitae. Nomination packages must be sent to the contact listed in the **ADDRESSES** section of this notice. Nominees for voting membership must have expertise and experience in one or more of the following fields:

- Clinical medicine of all specialties.
- Administrative medicine.
- Public health.
- Patient advocacy.
- Biologic and physical sciences.
- Health care data and information management and analysis.
- The economics of health care.
- Medical ethics.
- Other related professions such as epidemiology, biostatistics, and methodology of clinical trial design.

Our most critical need is for experts in ophthalmology and orthopedic surgery including treatment of fractures and knee, hip and other joint replacements.

We also need experts in psychopharmacology, Bayesian clinical trial methodology, clinical epidemiology, registries, rheumatology, screening and diagnostic testing analysis, stroke and stroke epidemiology, biostatistics in clinical settings, cardiovascular epidemiology, cost effectiveness analysis, dementia, endocrinology, geriatrics, gynecology, minority health, observational research design, and women's health.

The nomination letter must include a statement that the nominee is willing to serve as a member of the MedCAC and appears to have no conflict of interest that would preclude membership.

We are requesting that all curricula vitae include the following:

- Date of birth.
- Place of birth.
- Social security number.
- Title.
- Current position.
- Professional affiliation.
- Home and business address.
- Telephone and fax numbers.
- E-mail address.
- List of areas of expertise.

We are requesting that the nomination letter specify whether the individual is being nominated for a voting membership (that is, an at-large member or patient advocate position) or nonvoting membership (that is, consumer representative or industry representative).

In order to permit us to evaluate potential sources of conflict of interest potential candidates will be asked to provide detailed information regarding financial holdings, consultancies, and research grants or contracts.

Members are invited to serve for overlapping 4-year terms. A member may serve after the expiration of the member's term until a successor takes office. Any interested person may nominate one or more qualified persons. Self-nominations are also accepted.

You may obtain a copy of the Secretary's Charter for the MedCAC by submitting a request to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. You may also review the charter online at: *http://www.cms.hhs.gov/FACA/Downloads/medcaccharter.pdf.*

Authority: 5 U.S.C. App. 2 Section 10(a)(1) and (a)(2). (Catalog of Federal Domestic Assistance Program No. 93.778, Medicare—Supplementary Medical Insurance Program)

Dated: January 18, 2008.

Barry M. Straube,

Chief Medical Officer and Director, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services.

[FR Doc. E8–1345 Filed 1–25–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1499–N]

Medicare Program; Meeting of the Practicing Physicians Advisory Council

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

ACTION: Notice.

SUMMARY: This notice announces a quarterly meeting of the Practicing Physicians Advisory Council (the Council). The Council will meet to discuss certain proposed changes in regulations and manual instructions related to physicians' services, as identified by the Secretary of Health and Human Services (the Secretary). This meeting is open to the public.

DATES: *Meeting Date:* Monday, March 3, 2008, from 8:30 a.m. to 5 p.m. e.s.t.

Deadline for Registration without Oral Presentation: Thursday, February 28, 2008, 12 noon, e.s.t.

Deadline for Registration with Oral Presentations: Friday, February 15, 2008, 12 noon, e.s.t.

Deadline for Submission of Oral Remarks and Written Comments: Wednesday, February 20, 2008, 12 noon, e.s.t.

Deadline for Requesting Special Accommodations: Monday, February 25, 2008, 12 noon, e.s.t.

ADDRESSES: *Meeting Location:* The meeting will be held in Room 505A in the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Submission of Testimony: Testimonies should be mailed to Kelly Buchanan, Designated Federal Official (DFO), Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail stop C4–13–07, Baltimore, MD 21244–1850, or contact the DFO via e-mail at *PPAC@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kelly Buchanan, DFO, (410) 786–6132, or e-mail *PPAC@cms.hhs.gov.* News media representatives must contact the CMS Press Office, (202) 690–6145. Please refer to the CMS Advisory Committees' Information Line (1–877–449–5659 toll free), (410) 786–9379 local) or the Internet at *http://www.cms.hhs.gov/home/regsguidance.asp* for additional information and updates on committee activities.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces the quarterly meeting of the Practicing Physicians Advisory Council (the Council). The Secretary is mandated by section 1868(a)(1) of the Social Security Act (the Act) to appoint a Practicing Physicians Advisory Council based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and manual instructions related to physician services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the Council's consultation must occur before **Federal Register** publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) not later than December 31 of each year.

The Council consists of 15 physicians, including the Chair. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members of the Council must be physicians as described in section 1861(r)(1) of the Act; that is, State-licensed doctors of medicine or osteopathy. The remaining 4 members may include dentists, podiatrists, optometrists, and chiropractors. Members serve for overlapping 4-year terms.

Section 1868(a)(2) of the Act provides that the Council meet quarterly to discuss certain proposed changes in regulations and manual issuances that relate to physicians' services, identified by the Secretary. Section 1868(a)(3) of the Act provides for payment of expenses and per diem for Council members in the same manner as members of other advisory committees appointed by the Secretary. In addition to making these payments, the Department of Health and Human Services and CMS provide management and support services to the Council. The Secretary will appoint new members to the Council from among those candidates determined to have the expertise required to meet specific agency needs in a manner to ensure appropriate balance of the Council's membership.

The Council held its first meeting on May 11, 1992. The current members are: Anthony Senagore, M.D., Chairperson; Jose Azocar, M.D.; M. Leroy Sprang, M.D.; Karen S. Williams, M.D.; Peter Grimm, D.O.; Jonathon E. Siff, M.D., MBA; John E. Arradondo, M.D., MPH; Helena Wachslicht Rodbard, M.D.; Vincent J. Bufalino, M.D.; Tye J. Ouzounian, M.D.; Geraldine O'Shea, D.O.; Arthur D. Snow, Jr., M.D.; Gregory J. Przybylski, M.D.; Jeffrey A. Ross, DPM, M.D.; and Roger L. Jordan, O.D.

II. Meeting Format and Agenda

The meeting will commence with the Council's Executive Director providing a status report, and the CMS responses to the recommendations made by the Council at the December 3, 2007 meeting, as well as prior meeting recommendations. Additionally, an update will be provided on the Physician Regulatory Issues Team. In accordance with the Council charter, we are requesting assistance with the following agenda topics:

- Recovery Audit Contractors (RAC) Update.
- National Provider Indentifier (NPI) Update.
- Hospital and Physician Quality Measures.

For additional information and clarification on these topics, contact the DFO as provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individual physicians or medical organizations that represent physicians wishing to present a 5-minute oral testimony on agenda issues must register with the DFO by the date listed in the **DATES** section of this notice. Testimony is limited to agenda topics only. The number of oral testimonies may be limited by the time available. A written copy of the presenter's oral remarks must be submitted to the DFO for distribution to Council members for review before the meeting by the date listed in the **DATES** section of this notice. Physicians and medical organizations not scheduled to speak may also submit written comments to the DFO for distribution by the date listed in the **DATES** section of this notice.

III. Meeting Registration and Security Information

The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register by contacting the DFO at the address listed in the **ADDRESSES** section of this notice or by telephone at (410) 786–6132 by the date specified in the **DATES** section of this notice.

Since this meeting will be held in a Federal Government Building, the Hubert H. Humphrey Building, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. In order to gain access to the building, participants will be required to show a government-issued photo identification (for example, driver's license, or passport), and must be listed on an approved security list before persons are permitted entrance. Persons not registered in advance will not be permitted into the Hubert H. Humphrey Building and will not be permitted to attend the Council meeting.

All persons entering the building must pass through a metal detector. In addition, all items brought to the Hubert H. Humphrey Building, whether personal or for the purpose of presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for the purpose of presentation.

Individuals requiring sign language interpretation or other special accommodation must contact the DFO via the contact information specified in the **FOR FUTHER INFORMATION CONTACT** section of this notice by the date listed in the **DATES** section of this notice.

Authority: (Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, section 10(a)).)

Dated: January 17, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E8–1347 Filed 1–25–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Court Improvement Program New Grants.

OMB No.: 0970–0307.

Description: The President signed the Deficit Reduction Act of 2005, Public Law 109–171, into law on February 8, 2006. The law authorizes and appropriates funds for two new grants under the Court Improvement Program in title IV–B, section 438 of the Social Security Act. The highest State court in a State with an approved title IV–E plan is eligible to apply for either or both of the new grants. The new grants are for the purposes of: (1) Ensuring that the needs of children are met in a timely and complete manner through improved case tracking and analysis of child

welfare cases; and (2) Training judges, attorneys, and other legal personnel in child welfare cases; and conducting cross-training with child welfare agency staff and contractors.

The statute requires separate applications for these two new grants. The annual burden estimates below describe the estimated burden for the two new grants. ACF collects information from the States about their work under these grants (applications, program reports) by way of a Program Instruction issued on June 15, 2006.

This Program Instruction describes the programmatic and fiscal provisions and reporting requirements for each of the grants, specifies the application submittal and approval procedures for the grants for fiscal years 2006 through 2010, and identifies technical resources for use by State courts during the course of the grants. The agency uses the information received to ensure compliance with the statute and provide training and technical assistance to the grantees.

Respondents: State Courts.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	2	40	4,160
Annual Program Report	52	2	36	3,744

Estimated Total Annual Burden Hours: 7,904.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: January 18, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. 08–324 Filed 1–25–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Awards to Eleven Office of Refugee Resettlement Shelter Care Providers

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Notice of Grant Awards.

CFDA #: 93.676

SUMMARY: This notice is hereby given that an award will be made to an unaccompanied alien shelter care provider, Southwest Regional Youth Village, Vincennes, Indiana, in the amount of $586,719. This funding will support services through September 30, 2008.

This funding will support the expansion of secure program bed capacity to meet the number of unaccompanied alien children referrals from the Department of Homeland Security (DHS).

The program is mandated by section 462 of the Homeland Security Act to ensure appropriate placement of all referrals from the DHS. ORR's ability to meet this mandate is often a challenge since the program is completely tied to DHS interior apprehension strategies and the sporadic number of border crossers.

The program has very specific requirements for the provision of services. This grantee is one of the only entities with the infrastructure, licensing, experience and appropriate level of trained staff to meet the service requirements for secure capacity. The program's ability to meet the number of secure referrals from DHS can only be accommodated through the expansion of this program through the supplemental award process.

FOR FURTHER INFORMATION CONTACT: Kenneth Tota, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC, 20447, telephone (202) 401–4858.

Dated: January 17, 2008.

Brent Orrell,

Acting Director, Office of Refugee Resettlement.

[FR Doc. E8–1360 Filed 1–25–08; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2008N–0019]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Survey of Food Safety and Nutrition Information Provided to Pregnant Women by Health Care Providers and the Special Supplemental Nutrition Program for Women, Infants, and Children Educators

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Survey of Food Safety and Nutrition Information Provided to Pregnant Women by Health Care Providers and WIC Educators'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief

Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 20, 2007 (72 FR 13117), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0617. The approval expires on January 31, 2011. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: January 18, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–1353 Filed 1–25–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2008N–0018]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Food and Drug Administration Survey of Physicians' Perceptions of the Impact of Early Risk Communication About Medical Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''FDA Survey of Physicians' Perceptions of the Impact of Early Risk Communication About Medical Products'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 19, 2007 (72 FR 39628), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0615. The approval expires on December 31, 2010. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: January 18, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–1355 Filed 1–25–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2008N–0017]

Agency Information Collection Activities; Proposed Collection; Comment Request; Exports: Notification and Recordkeeping Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the notification and recordkeeping requirements for persons exporting human drugs, biological products, devices, animal drugs, food, and cosmetics that may not be marketed or sold in the United States.

DATES: Submit written or electronic comments on the collection of information by March 28, 2008.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60–day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Exports: Notification and Recordkeeping Requirements, 21 CFR Part 1 (OMB Control Number 0910–0482) — Extension

The respondents to this information collection are exporters who have notified FDA of their intent to export unapproved products that may not be sold or marketed in the United States as allowed under 801(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 381). In general, the notification identifies the product being

exported (e.g. name, description, and in some cases, country of destination) and specifies where the notification should be sent. These notifications are sent only for an initial export; subsequent exports of the same product to the same destination (or, in the case of certain countries identified in section 802(b) of the act (21 U.S.C. 382), to any of those countries would not result in a notification to FDA.

The recordkeepers to this information collection are exporters who export human drugs, biologics, devices animal drugs, foods and cosmetics that may not be sold in the United States to maintain records demonstrating their compliance with the requirements in section 801(e)(1) of the act.

The total burden estimate of 39,120 is based on the number of notifications received by the relevant FDA centers in fiscal year 2007, or the last year the figures available. FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
1.101 (d)-(e)	400	3	1200	15	18,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
1.101 (B)-(C)	320	3	960	22	21,120

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Please note that on January 15, 2008, the FDA Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic submissions will be accepted by FDA through FDMS only.

Dated: January 18, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–1356 Filed 1–25–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0030] (formerly Docket No. 2004D–0466)

Agency Information Collection Activities; Proposed Collection; Comment Request; Draft Guidance for Industry: Substantiation for Dietary Supplement Claims Made Under the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the draft guidance entitled ''Guidance for Industry: Substantiation for Dietary Supplement Claims Made Under Section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act.''

DATES: Submit written or electronic comments on the collection of information by March 28, 2008.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, in the **Federal Register** of November 9, 2004 (69 FR 64962), FDA published a notice of availability of the draft guidance document providing a 60-day public comment period on the collection of information provisions. Thereafter, in the **Federal Register** of June 7, 2007 (72 FR 31583), FDA published a 30-day notice responding to comments on the collection of information provisions received in response to the November 9, 2004, notice and announcing that the proposed collection of information had been submitted to OMB. In response to a request by OMB, FDA is republishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use

of automated collection techniques, when appropriate, and other forms of information technology.

Substantiation for Dietary Supplement Claims Made Under Section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act (OMB Control Number 0910—NEW)

Section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(6)) requires that a manufacturer of a dietary supplement making a nutritional deficiency, structure/function, or general well-being claim have substantiation that the statement is truthful and not misleading. The draft guidance document entitled ''Guidance for Industry: Substantiation for Dietary Supplement Claims Made Under Section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act'' is intended to describe the amount, type, and quality of evidence FDA recommends a dietary supplement manufacturer have to substantiate a claim under section 403(r)(6) of the act. This draft guidance does not discuss the types of claims that can be made concerning the effect of a dietary supplement on the structure or function of the body, nor does it discuss criteria to determine when a statement about a dietary supplement is a disease claim. Persons with access to the Internet may obtain the draft guidance at the following Web site: *http://www.cfsan.fda.gov/~dms/guidance.html*. A copy of the draft guidance also is available for public examination in the Division of Dockets Management (see **ADDRESSES**).

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Claim Type	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Widely known, established	667	1	667	44	29,348
Pre-existing, not widely established	667	1	667	120	80,040
Novel	667	1	667	120	80,040
Total					189,428

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

Dietary supplement manufacturers will only need to collect information to substantiate their product's nutritional deficiency, structure/function, or general well-being claim if they chose to place a claim on their product's label. Gathering evidence on their product's claim is a one time burden; they collect the necessary substantiating information for their product as required by section 403(r)(6) of the act.

The standard discussed in the draft guidance for substantiation of a claim on the labeling of a dietary supplement is consistent with standards set by the Federal Trade Commission for dietary supplements and other health-related products that the claim be based on competent and reliable scientific evidence. This evidence standard is broad enough that some dietary supplement manufacturers may only need to collect peer-reviewed scientific journal articles to substantiate their claims; other dietary supplement manufacturers whose products have properties that are less well documented may have to conduct studies to build a body of evidence to support their claims. It is unlikely that a dietary supplement manufacturer will attempt to make a claim when the cost of obtaining the evidence to support the claim outweighs the benefits of having the claim on the product's label. It is likely that manufacturers will seek substantiation for their claims in the scientific literature.

The time it takes to assemble the necessary scientific information to support their claims depends on the product and the claimed benefits. If the product is one of several on the market making a particular claim for which there is adequate publicly available and widely established evidence supporting the claim, then the time to gather supporting data will be minimal; if the product is the first of its kind to make a particular claim or the evidence supporting the claim is less publicly available or not widely established, then gathering the appropriate scientific evidence to substantiate the claim will be more time consuming.

FDA assumes that it will take 44 hours to assemble information needed to substantiate a claim on a particular dietary supplement when the claim is widely known and established. We increased this estimated burden from 1 hour per claim to 44 hours per claim based on information received from industry, as noted in our June 7, 2007, notice in response to comment 1 (72 FR 31583 and 31584). FDA believes it will take closer to 120 hours to assemble supporting scientific information when the claim is novel or when the claim is pre-existing but the scientific underpinnings of the claim are not widely established. These are claims that may be based on emerging science, where conducting literature searches and understanding the literature takes time. It is also possible that references for claims made for some dietary ingredients or dietary supplements may primarily be found in foreign journals and in foreign languages or in the older, classical literature where it is not available on computerized literature databases or in the major scientific reference databases, such as the National Library of Medicine's literature database, all of which increases the time of obtaining substantiation.

In the **Federal Register** of January 6, 2000, FDA published a final rule on statements made for dietary supplements concerning the effect of the product on the structure or function of the body (65 FR 1000). FDA estimated that there were 29,000 dietary supplement products marketed in the United States (65 FR 1000 at 1045). Assuming that the flow of new products is 10 percent per year, then 2,900 new dietary supplement products will come on the market each year. The structure/function final rule estimated that about 69 percent of dietary supplements have a claim on their labels, most probably a structure/function claim (65 FR 1000 at 1046). Therefore, we assume that supplement manufacturers will need time to assemble the evidence to substantiate each of the 2,001 claims (2,900 x 69 percent) made each year. If we assume that the 2,001 claims are

equally likely to be pre-existing widely established claims, novel claims, or pre-existing claims that are not widely established, then we can expect 667 of each of these types of claims to be substantiated per year. Table 1 of this document shows that the annual burden hours associated with assembling evidence for claims is 189,428 (the sum of 667 x 44 hours, 667 x 120 hours, and 667 x 120 hours).

There are no capital costs or operating and maintenance costs associated with this information collection.

Please note that on January 15, 2008, the FDA Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic submissions will be accepted by FDA through FDMS only.

Dated: January 18, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–1362 Filed 1–25–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Correction of meeting date.

SUMMARY: The Health Resources and Services Administration published a meeting notice for the National Advisory Council on the National Health Service Corps in the **Federal Register** of January 15, 2008 (FR Doc. E8–581), on page 2510. The beginning date of the meeting has changed.

Correction

In the **Federal Register** issue of January 15, 2008, (FR Doc. E8–581), on page 2510 under the category Dates and Times, the new meeting dates are February 29, 2008, 8:30 a.m.–5 p.m. and March 1, 2008, 9 a.m.–5 p.m.

Dated: January 22, 2008.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E8–1371 Filed 1–25–08; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605–56606 as amended November 6, 1995; and as last amended at 72 FR 57588–57589, dated October 10, 2007.)

This notice reflects organizational changes in the Health Resources and Services Administration, Office of the Administrator, Office of Communications (RA6). Specifically, this notice updates the functional statement of the Office of the Administrator, Office of Communications (RA6).

Chapter RA, Office of the Administrator

Section RA–10, Organization

The Offices under the Immediate Office of the Administrator consist of the following components:

(1) Immediate Office of the Administrator (RA);

(2) Office of Equal Opportunity and Civil Rights (RA2);

(3) Office of Planning and Evaluation (RA5);

(4) Office of Communications (RA6);

(5) Office of Minority Health and Health Disparities (RA9);

(6) Office Legislation (RAE);

(7) Office of Information Technology (RAG); and

(8) Office of International Health Affairs (RAH).

Section RA–20, Functions

Delete the functional statement for the Office of Communications (RA6) in its entirety and replace it with the following:

Office of Communications (RA6)

(1) Provides leadership and coordinates communications and public affairs activities for the Agency; (2) coordinates Agency communications activities with those of other health agencies within the Department of Health and Human Services and with field, State, local, voluntary, and professional organizations; (3) develops and implements national communications initiatives to inform and educate the public, health care professionals, policy makers, and the media; (4) coordinates, researches, writes and prepares speeches and audiovisual presentations for the HRSA Administrator and other senior HRSA staff; (5) provides communication and public affairs expertise to the Agency consistent with policy direction established by the HHS Assistant Secretary for Public Affairs; (6) develops, obtains clearance for, and publicizes press releases and media briefs, fact sheets and other news and information items describing Agency programs and services; (7) serves as Communications and Public Affairs Officer for the Agency including establishment and maintenance of productive relationships with the news media; (8) reviews and edits all Agency publications and promotional materials and oversees all Agency exhibits; (9) handles all public requests for release of HRSA information and records under the Freedom of Information Act; (10) manages the Agency Web information content, function, and design and leads the development of Agency Internet content policies; and (11) manages audio visual and multimedia activities in support of Agency communication efforts.

Section RC–30, Delegations of Authority

All delegations of authority and re-delegations of authority made to HRSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization is effective upon the date of signature.

Dated: January 15, 2008.

Elizabeth M. Duke,

Administrator.

[FR Doc. E8–1370 Filed 1–25–08; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Clinical and Integrative Cardiovascular Sciences Study Section.
Date: February 7–8, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435–1850, *dowellr@csr.nih.gov*.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Ethical, Legal, and Social Implications of Human Genetics Study Section.
Date: February 13–14, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Vascular Biology.
Date: February 14, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications and/or proposals.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Bukhtiar H. Shah, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095J, MSC 7822, Bethesda, MD 20892, (301) 435–1233, *shahb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Innovative Ultrasound and Imaging.
Date: February 18, 2008.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: Antonio Sastre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, (301) 435–2592, *sastrea@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Electromagnetic Devices.
Date: February 18, 2008.
Time: 4 p.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: Antonio Sastre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, (301) 435–2592, *sastrea@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Diagnostics and Treatments I SBIR/STTR.
Date: February 20–21, 2008.
Time: 11 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@cfr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Diagnostics and Treatments II SBIR/STTR.
Date: February 20, 2008.
Time: 11 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Genetics and Genomics SEP.
Date: February 20, 2008.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Steven B. Scholnick, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *scholnis@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts in Cognition, Perception, and Language.
Date: February 21, 2008.
Time: 1:30 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Alfonso R. Latoni, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, 301–435–0913, *latonia@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioengineering Research Partnerships.
Date: February 25, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Ramada Rockville/The Legacy Hotel, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: John Firrell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Health Promotion Programs for Older Workers SBIR Study Section.
Date: February 25, 2008.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Karin F. Helmers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, 301–435–1017, *helmersk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hypersensitivity, Autoimmune, and Immune-mediated Diseases: Member Conflicts and Overflow.
Date: February 27–28, 2008.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301–435–1222, *nigidas@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Drug Development and Therapeutics 1 SBIR/STTR.
Date: February 27–28, 2008.
Time: 11 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)
Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Pain and Somatosensory.
Date: February 28–29, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–435–2212, *josephru@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 F09–B (20) Oncology Fellowship.

Date: February 28–29, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Ritz-Carlton, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Eun Ah Cho, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, (301) 451–4467, *choe@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Diabetes, Obesity and Nutrition.

Date: February 28, 2008.

Time: 10 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishnak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Discovery.

Date: February 28, 2008.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Manzoor Zarger, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Oncology AREA.

Date: February 29, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Lambratu Rahman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 451–3493, *rahmanl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Sensory, Motor and Cognitive Neuroscience.

Date: February 29, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Washington DC, 1250 22nd Street, NW., Washington, DC 20037.

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Radiology Oncology.

Date: February 29, 2008.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Manzoor Zarger, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–299 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice if hereby given of a change in the meeting of the Integrative and Clinical Endocrinology and Reproduction Study Section, February 4, 2008, 8 a.m. to February 5, 2008, 3 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD, 20814 which was published in the **Federal Register** on January 15, 2008, 73 FR 2513–2516.

The meeting will be held at the Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814. The meeting dates and time remain the same. The meeting is closed to the public.

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–300 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Nanotechnology Imaging and Sensing Platforms for Improved Diagnosis of Cancer.

Date: March 7, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Executive Plaza North, 6130 Executive Blvd., EPN Conference Room 'H', Rockville, MD 20852.

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Administrator, Special Review Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Suite 703, Room 7147, Bethesda, MD 20892–8329, 301-496–7576, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, ''Cancer Prevention Research Small Grant Program''.

Date: March 13–14, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9737 Washington Blvd., Gaithersburg, MD 20878.

Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8101, Bethesda, MD 20892–8329, 301/496–7987, *lovingeg@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Small Grants Program for Cancer Epidemiology.

Date: March 27–28, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Legacy Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Joyce C. Pegues, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7149, Bethesda, MD 20892–8329, 301–594–1286, *peguesj@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Cancer Patient Outcomes.

Date: April 4, 2008.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Washington/Rockville, DoubleTree name changed, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Rhonda J. Moore, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Suite 701, Room 7151, Bethesda, MD 20892–8329, 301–451–9385, *moorerh@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–302 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors for Clinical Sciences and Epidemiology National Cancer Institute.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personal qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Clinical Sciences and Epidemiology National Cancer Institute.

Date: March 3–4, 2008.

Time: March 3, 2008, 6 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Double Tree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Time: March 4, 2008, 9 a.m. to 1 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville, Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Brian E. Wojcik, PhD, Senior Review Administrator, Institute Review Office, Office Of The Director, National Cancer Institute, 6116 Executive Boulevard, Room 2114, Bethesda, MD 20892, (301) 496–7628, *wojcikb@mail.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/bsc.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–303 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors for Basic Sciences National Cancer Institute. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Basic Sciences National Cancer Institute.

Date: March 3, 2008.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Time: 6 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Double Tree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Florence E. Farber, PhD, Executive Secretary, Office of the Director, National Cancer Institute, National Institutes of Health, 616 Executive Boulevard, Room 2115, Bethesda, MD 20892, 301–496–7628, *ff6p@nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393 Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–304 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer

Advisory Board, February 5, 2008, 8:30 a.m. to February 6, 2008, 12 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 31, 2007, 72 FR 74318.

This notice is amended to change the starting time on February 5, 2008 to 8 a.m. This notice is amended to add the NCAB Subcommittee on Planning and Budget meeting on February 4, 2008 from 6 p.m. to 7:30 p.m. and the Ad Hoc Subcommittee on Communications meeting on February 4, 2008 from 7:30 p.m. to 9 p.m. at the Hyatt Regency Bethesda, One Metro Center, Bethesda, MD 20814. The meetings are open to the public.

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–318 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, SEPA 08 Teleconference.

Date: February 25, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bonnie Dunn, PhD, Scientific Review Officer, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd., Democracy I, Room 1074, MSC 4874, Bethesda, MD 20892–4874, 301–435–0824, *dunnbo@mail.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research on Research Integrity.

Date: March 18, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, DoubleTree name changed, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Bonnie Dunn, PhD, Scientific Review Officer, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Blvd., Rm. 1074, Bethesda, MD 20892–4874, (301) 435–0824, *dunnbo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–316 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Institute Special Emphasis Panel, February 20, 2008, 8 a.m. to February 21, 2008, 1 p.m., Courtyard Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202 which was published in the **Federal Register** on January 9, 2008, FR08–41.

The panel name was changed from Patient Oriented and Career Enhancement Awards for Stem Cell Research to NHLBI-Patient Oriented Research (K23, 24, and 25's) Career Enhancement Awards. The rest of the information remains the same. The meeting is closed to the public.

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–298 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Neurobiology Course.

Date: February 21, 2008.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Phillip F Wiethorn, Scientific Review Administrator, DHHS/NIH/NINDS/DER/SRB, 6001 Executive Boulevard, MSC 9529, Neuroscience Center, Room 3203, Bethesda, MD 20892–9529, (301) 496–5388, *wiethorp@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–301 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Review of Training Grant Applications.

Date: March 11, 2008.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Atul Sahai, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, George O'Brien Kidney Research Core Centers.

Date: March 20–21, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 7400 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Atul Sahai, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–305 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee.

Date: February 12–13, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Katrin Eichelberg, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496–0818, *keichelberg@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–306 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Review R25.

Date: February 7, 2008.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Sooyoun (Sonia) Kim, MS, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NIDCR/NIH, 6701 Democracy Blvd., Rm 675, Bethesda, MD 20892–4878, (301) 594–4827, *kims@email.nidr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Review R13s.

Date: February 29, 2008.

Time: 9 p.m. to 11 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual meeting)

Contact Person: Sooyoun (Sonia) Kim, MS, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NIDCR/NIH, 6701 Democracy Blvd., Rm. 675, Bethesda, MD 20892–4827, *kims@email.nidr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–307 Filed 1–25–08: 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Clinical Trials.
Date: February 15, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, Double Tree Name Changed, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Barney Duane Price, PhD, Scientific Review Program, DHHS/NIH/NIAID/DEA, Room 3139, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 451–2592, *pricebd@niaid, nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–308 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Review R21s.
Date: February 20, 2008.
Time: 10 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Jonathan Horsford, PhD, Scientific Review Officer, NIDCR, 45 Center Drive, 4AN–24E, Bethesda, MD 20892, 301–594–4859, *horsforj@mail.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Review of R01s.
Date: February 29, 2008.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Rebecca Wagenaar Miller, PhD, Scientific Review Officer, Scientific Review Branch, National Inst of Dental & Craniofacial Research, National Institutes of Health, 45 Center Dr. Rm 4AN 32G, Bethesda, MD 20892, 301–594–0652, *rwagenaa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–309 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Biobehavioral and Behavioral Sciences Subcommittee.
Date: February 19–20, 2008.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.
Contact Person: Marita R. Hopmann, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–310 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Limited Competition.
Date: February 20, 2008.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6100 Executive Boulevard, 5B01, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Michele C. Hindi-Alexander, PhD, Division of Scientific Review, National Institutes of Health, National Institute for Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20812–7510, (301) 435–8382, *hindialm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children;

93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–311 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, AD Clinical Trial.

Date: February 18, 2008.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Protein Damage and Repair in Aging.

Date: February 25–26, 2008.

Time: 6 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Metro Center Drive, Bethesda, MD 20892.

Contact Person: Elaine Lewis, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–312 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Conte Centers Dealing with Schizophrenia.

Date: February 21, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Peter J. Sheridan, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892, 301–443–1513, *psherida@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Conte Centers in Basic Neuroscience.

Date: February 28–29, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel & Executive Meeting Center, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bettina D. Osborn, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9609, Rockville, MD 20892–9609, 301–443–1178, *acunab@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, ITMA/ITSP Conflicts.

Date: February 28, 2008.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christopher S. Sarampote, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9608, Bethesda, MD 20892, 301–443–1959, *csarampo@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, R25 Research Education Grants.

Date: March 27, 2008.

Time: 10 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Serena P. Chu, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Rockville, MD 20892, 301–443–0004, *sechu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–313 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Topic 59—Tools for Autism Caregivers.

Date: February 14, 2008.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892–9608, 301–402–8152, *mbroitma@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Topic 60—Multi-Media Training for Social Workers.

Date: February 20, 2008.

Time: 12:30 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892–9608, 301–402–8152, *mbroitma@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 18, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–314 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: February 19, 2008.

Open: 8:30 a.m. to 3 p.m.

Agenda: Discussion of program policies and issues.

Place: National Institute of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: 3 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Dennis R. Lang, PhD, Acting Director, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233/EC–3431, 79 Alexander Drive, Research Triangle Park, NC 27709, (919) 541–7729, *lang4@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.niehs.nih.gov/dert/c-agenda.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS).

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–315 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Recombinant AAV for Pompe Disease.

Date: February 29, 2008.

Time: 9 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 17, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–317 Filed 1–25–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate, Office of Infrastructure Protection; Submission for Review Chemical Security Assessment Tool (CSAT) Information Collection 1670–0007

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection, DHS.

ACTION: 30-Day Notice and request for comments: Revision of an existing information collection request 1670–0007, DHS Forms 9010, 9002, 9007, 9012, and 9015.

SUMMARY: The Department of Homeland Security, Office of the Under Secretary for National Protection and Programs Directorate, Office of Infrastructure Protection, Chemical Security Compliance Division (CSCD) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 23, 2007 at 72 FR 65757 allowing for a 60-day public comment period. One comment was received on this existing information collection. The purpose of this notice is to allow an additional 30 days for public comments. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments DHS will use.

DATES: Comments are encouraged and will be accepted until February 27, 2008. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, Attention: Nathan Lesser, Desk Officer, Department of Homeland Security/NPPD and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by calling Nathan Lesser, Desk Officer, Department of Homeland Security, Washington, DC 20528; and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 550 of the Department of Homeland Security Appropriations Act of 2007, Pub. L. 109–295 (Section 550), directed the Department of Homeland Security to promulgate and enforce regulations to enhance the security of the nation's high risk chemical facilities. On April 9, 2007, the Department issued an Interim Final Rule, implementing this statutory mandate. (72 FR 17688). Section 550 requires a risk-based approach to security. To facilitate this approach, the Department is employing a risk assessment methodology known as the Chemical Security Assessment Tool (CSAT). The CSAT is a series of public web-based computer applications: Help Desk, User Registration, Top-Screen, Security Vulnerability Assessment, Site Security Plan, and Chemical-terrorism Vulnerability Information (CVI) Authorization. All information collected supports the Department's effort to reduce the risk of a successful terrorist attack against chemical facilities. These CSAT collections either directly or indirectly support the identification of high risk facilities, the determination of the risk tiers of the facilities, the review and approval of assessments and plans for security measures at the facilities, and/or the protection of Chemical-terrorism Vulnerability Information that would, if disclosed, substantially assist terrorists in planning and targeting the facilities.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, Office of the Under Secretary for National Protection and Programs Directorate, Office of Infrastructure Protection, Chemical Security Compliance Division.

Title: Chemical Security Assessment Tool (CSAT).

OMB Number: 1670–0007.

Help Desk—(DHS Form 9010)

Frequency: On Occasion.

Affected Public: Chemical Sector Facility owners and operators; general public.

Number of Respondents: 20,800 phone calls & 1,300 emails annually.

Estimated Time Per Respondent: 10 minutes per phone call & 15 min. per e-mail.

Total Burden Hours: 3,467 hours for calls & 325 hours for email = 3,792 annual hours.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $304,408 phone calls & $28,538 emails = $332,946 total annual cost.

User Registration—(DHS Form 9002)

Frequency: On Occasion.

Affected Public: Chemical Sector Facility owners and operators.

Number of Respondents: 16,667.

Estimated Time Per Respondent: 1 hour.

Total Burden Hours: 16,667.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $1,463,499.

Top-Screen—(DHS Form 9007)

Frequency: On Occasion.

Affected Public: Chemical Sector Facility owners and operators.

Number of Respondents: 16,667.

Estimated Time Per Respondent: 30 Hours.

Total Burden Hours: 505,314 Hours Annually.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $44,371,535.

CVI User Training—(DHS Form 9012)

Frequency: Once.

Affected Public: Chemical Sector Facility owners and operators.

Number of Respondents: 16,667.

Estimated Time Per Respondent: 30 minutes.

Total Burden Hours: 8,333 annually.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $731,750.

Security Vulnerability Assessment—(DHS Form 9015) and Alternative Security Program in Lieu of SVA

Frequency: On Occasion.

Affected Public: Chemical Sector Facility owners and operators.

Number of Respondents: 2,500 annually.

Estimated Time Per Respondent: 153 hours.

Total Burden Hours: 382,269 annually.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $34,786,190 annually.

Site Security Plan (SSP) and Alternative Security Program in lieu of SSP

Frequency: On Occasion.

Affected Public: Chemical Sector Facility owners and operators.

Number of Respondents: 2,167.

Estimated Time Per Respondent: 84 hours.

Total Burden Hours: 183,036.

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $14,594,411.

Dated: January 22, 2008.

Charlie Church,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E8–1445 Filed 1–25–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Notice of Adjustment of Statewide Per Capita Threshold for Recommending a Cost Share Adjustment

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita threshold for recommending cost share adjustments for major disasters declared on or after January 1, 2008, through December 31, 2008, is $122.

DATES: This notice applies to major disasters declared on or after January 1, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Pursuant to 44 CFR 206.47, the statewide per capita threshold that is used to recommend an increase of the Federal cost share from seventy-five percent (75%) to not more than ninety percent (90%) of the eligible cost of permanent work under section 406 and emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is adjusted annually. The adjustment to the threshold is based on the Consumer Price Index for All Urban Consumers published annually by the U.S. Department of Labor. For disasters declared on January 1, 2008, through December 31, 2008, the qualifying threshold is $122 per capita of State population.

This adjustment in based on an increase of 4.1 percent in the Consumer Price Index for All Urban Consumers for the 12-month period that ended December 2007. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on January 16, 2008.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidential Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–1398 Filed 1–25–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2007–0007]

National Response Framework

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability.

SUMMARY: This document provides notice of the availability of the final National Response Framework (NRF) which replaces the National Response Plan (NRP) that was issued in February 2005 and finalizes the draft version of the NRF which FEMA published for public comment in September 2007. The NRF builds on the NRP and, using the comprehensive framework of the National Incident Management System (NIMS), serves as a guide to how the nation conducts all-hazards incident management.

DATES: FEMA issued the NRF on January 22, 2008. The NRF is effective March 22, 2008.

ADDRESSES: The NRF is available online in the NRF Resource Center located at *http://www.fema.gov/NRF*. The draft and final NRF, all related **Federal Register** Notices, and all public comments received during the comment period are available at *www.regulations.gov* under Docket ID FEMA–2007–0007. You may also view a hard copy of the NRF at the Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Tracy Haynes, Acting National Response Framework Branch Chief, Federal Emergency Management Agency, 999 E Street, NW., Washington, DC 20463, 202–646–4218.

SUPPLEMENTARY INFORMATION: The National Response Framework (NRF) is applicable to all Federal departments and agencies that may be requested to provide assistance or conduct operations in the context of actual or potential disasters and includes mechanisms for the coordination and implementation of a wide variety of incident management and emergency assistance activities including Federal support to State, local, and tribal authorities; interaction with private-sector organizations; and the coordinated, direct exercise of Federal authorities, when appropriate.

By adopting the term ''framework'' within the title, the NRF is now more in keeping with its intended purpose, specifically, simplifying the language, presentation and content; clarifying its national focus; articulating the five principles of response doctrine; and methodically describing the who, what and how of emergency preparedness and response. The NRF explains the common discipline and structures that have been exercised and matured at the local, State, and national levels over time. It captures key lessons learned from Hurricanes Katrina and Rita, particularly how the Federal Government is organized to support communities and States in catastrophic incidents.

The Federal Emergency Management Agency (FEMA) received numerous comments on the draft NRF, which FEMA published for public comment in September 2007. The final version

reflects many changes made as a result of those comments. The final NRF is available online in the NRF Resource Center located at *http://www.fema.gov/NRF* or *http://www.fema.gov/emergency/NRF*, and the docket for this notice at www.regulations.gov (Docket ID FEMA–2007–0007).

Authority: Homeland Security Act of 2002, as amended, 6 U.S.C. 101 et seq., Homeland Security Presidential Directive-5, Management of Domestic Incidents.

Dated: January 22, 2008.

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–1399 Filed 1–25–08; 8:45 am]

BILLING CODE 9110–21–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5188–N–02]

Notice of Proposed Information Collection: Comment Request; Renewal Communities Annual Progress Reporting

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments due:* March 28, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian L. Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4176, Washington, DC 20410; telephone: 202–708–2374, (this is not a toll-free number) or e-mail Ms. Deitzer at *Lillian_L._Deitzer@HUD.gov* for a copy of the proposed form and other available information.

FOR FURTHER INFORMATION CONTACT: Judy Mize, Office of Community Renewal, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 402–4167 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of proposal: Renewal Communities Annual Progress Reporting.

OMB Control Number: 2506–0173.

Description of the need for the information and proposed use: This is an information collection for reporting requirements of 40 Renewal Communities (RCs). The information is based on the progress reported by each designee on its local and state commitments, economic growth promotion requirements, and Tax Incentive Utilization Plan (TIUP). As required by the statute (26 U.S.C. 1400 E), HUD's regulations (24 CFR 599.511) authorize HUD to require the Coordinating Responsible Authority or CoRA and the State and local governments in which the Renewal Community is located to submit periodic reports and additional information. The information submitted will enable HUD to assess performance of designees and the effectiveness of the Renewal Community Initiative.

Agency form numbers, if applicable:

Members of Affected Public: State, local or Tribal government.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Paperwork requirement	Number of respondents	Frequency of response	Annual responses	Hours per response	Burden hours
Modifications * 599.509	40	2	40	10	400
Periodic Reporting 599.511	40	15	40	30	1200
Response to a Letter of warning	0	2	.....	12	0
Total	40	.....	80	.....	1,600

* It is expected that all RCs will submit a modification during this reporting period.

Frequency of Submission: Periodically and Annually.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 17, 2008.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E8–1351 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5188–N–01]

Notice of Proposed Information Collection: Comment Request; Self-Help Homeownership Opportunity Program (SHOP)

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 28, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian L. Deitzer, Departmental Reports Management Officer, QDAM, Department or Housing and Urban Development, 451 Seventh Street, SW., Room 4176, Washington, DC 20410; telephone: 202–708–2374, (this is not a toll-free number) or e-mail Ms. Deitzer at *Lillian_L._Deitzer@HUD.gov* for a copy of the proposed form and other available information.

FOR FURTHER INFORMATION CONTACT: Louise Thompson, OAHP, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone 202–402–4594 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of proposal: Self-Help Homeownership Opportunity Program.

OMB Control Number: 2506–0157.

Description of the need for the information and proposed use: This is a proposed information collection for reporting requirements under SHOP. SHOP grants are used to fund land acquisition and infrastructure improvements to new self-help housing projects in which the low-income homebuyers contribute their own sweat equity toward the construction of the units. National and regional nonprofit SHOP grantees are required to report to HUD quarterly and annually regarding the success of their SHOP programs. The information submitted will enable HUD to assess performance of SHOP grant recipients and the success of the SHOP program.

Agency form numbers, if applicable: HUD–40215, HUD–40216, HUD–40217, HUD–40218, HUD 40219, and HUD–40220.

Members of Affected Public: National and Regional Non-Profit Self-Help Housing Organizations and Consortia.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Paperwork requirement	Number of respondents	Frequency of response	Annual responses	Hours per response	Burden hours
HUD–40215	*16	4	64	2.25	144.00
HUD–40216	16	1	16	9.00	144.00
HUD–40217	16	4	64	2.25	144.00
HUD–40218	**912	4	3,648	2.25	8,208.00
HUD–40219	***5	1	5	0.50	2.50
HUD–40220	16	4	64	0.50	32.00
Total	16+912+5=933		3,861		8,675.00

* Reporting grantees on open grants.
** Reporting affiliates/consortium members on open grants.
*** Reporting grantees on closed out grants.

Frequency of Submission: Quarterly and Annually.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 17, 2008.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E8–1352 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5191–N–01]

Notice of Proposed Information Collection: Comment Request; Mortgagor's Certificate of Actual Cost

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 28, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 402–8048.

FOR FURTHER INFORMATION CONTACT: Joyce Allen, Director, Office of Multifamily Development, Department of Housing and Urban Development. 451 7th Street, SW., Washington, DC

20410, telephone (202) 708–1142. Department of Housing and Urban Development, (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgagor's Certificate of Actual Cost.

OMB Control Number, if applicable: 2502–0112.

Description of the need for the information and proposed use: The Mortgagor's Certificate of Actual Cost is used to certify the actual cost of development multifamily housing to determine the maximum insurable mortgage and to prevent windfall profits. HUD–92330 provides a base for evaluating multifamily housing programs, labor costs and physical improvements related to the construction and substantial rehabilitation of multifamily housing.

Agency form numbers, if applicable: 92330.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 4000. The number of respondents is 500, the number of responses is 500, the frequency of response is once during the final endorsement stage, and the burden hour per response is 8.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: January 17, 2008.

John Garvin,

Senior Advisor to Assistant Secretary for Housing.

[FR Doc. E8–1357 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5191–N–02]

Notice of Proposed Information Collection: Comment Request; Congregate Housing Services Program

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 28, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 402–8048.

FOR FURTHER INFORMATION CONTACT: For copies of the proposed forms and other available information contact Carissa Janis, Office of Housing Assistance and Grants Administration, by telephone at 202–402–2487. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Congregate Housing Services Program Annual Reporting Form, Summary Budget Grantee, Annual Program Budget Grantee, and Line of Credit Control System (LOCCS)/Voice Response System (VRS) Congregate Housing Services Program Payment Voucher.

OMB Control Number: 2502–0485.

Description of the need for the information and proposed use: Completion of the Annual Report by grantees provides HUD with essential information about who the grant is serving and what sort of services the individuals receive through the use of grant funds. The Summary Budget is a matrix of budgeted yearly costs, which shows the services funded through the grant and demonstrates how matching funds, participant fees, and grant funds will be used in tandem to operate the grant program. The Annual Program budget is an optional format which allows grantees to break down expenses for each service, including direct labor, fringe benefits, supplies and materials, and other administrative costs. Field staff approve these annual budgets and request annual extension funds according to the budgets. Field staff can also determine if grantees are meeting statutory and regulatory requirements through the evaluation of these budget forms. HUD will use the Payment Voucher to monitor use of grant funds for eligible activities over the term of the grant. The Grantee may similarly use the Payment Voucher to track and record their requests for payment reimbursement for grant-funded activities.

Agency Form Numbers, if applicable: HUD–90006, ''Congregate Housing Services Program Annual Reporting Form'', HUD–91180–A, ''Summary Budget Grantee'', HUD–91178–A, ''Annual Program Budget'', and HUD90198, ''Line of Credit Control System (LOCCS)/Voice Response System (VRS) Congregate Housing Services Program Payment Voucher''.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 63, the total annual responses is 504, and the total

annual hours of response are estimated at 787.5.

Status of the proposed information collection: Reinstatement, with change.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 17, 2008.

John L. Garvin,

Senior Advisor to Assistant Secretary for Housing.

[FR Doc. E8–1358 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5194–N–01]

Notice of Submission of Proposed Information Collection: Comment Request Disaster Housing Assistance Program (DHAP)

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 28, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB control number and should be sent to: Lillian L. Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4176, Washington, DC 20410; *telephone:* 202–708–2374, (this is not a toll-free number) or e-mail Ms. Deitzer at *Lillian_l._Deitzer@HUD.gov* for a copy of the proposed form and other available information.

FOR FURTHER INFORMATION CONTACT: Mary Schulhof, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; *telephone:* 202–708–0713, (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 25, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Disaster Housing Assistance Program (DHAP).

Description of Information Collection: This document provides notice that HUD and the Federal Emergency Management Agency (FEMA) have executed an Interagency Agreement (IAA) establishing a pilot grant program called the Disaster Housing Assistance Program (DHAP), and that the operating requirements for the DHAP have been issued through HUD Notice. DHAP is a joint initiative undertaken by HUD and FEMA to provide monthly rent subsidies and case management services for individuals and families displaced by Hurricane Katrina or Hurricane Rita who were not receiving housing assistance from HUD.

OMB Control Number: 2577–0252.

Agency Form Numbers: None.

Members Of Affected Public: State, Local or Tribal Government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 341,425; the number of respondents is 700; the frequency of response for each form varies from weekly, quarterly and annually.

Status: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 18, 2008.

Bessy Kong,

Deputy Assistant Secretary, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. E8–1437 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4950–FA–22, 23, and 24]

Notice of Funding Awards Resident Opportunity and Self-Sufficiency and Neighborhood Networks Programs for Fiscal Year 2005

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Announcement of Funding Awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under the Fiscal Year (FY) 2005 Notice of Funding Availability (NOFA) for the Resident Opportunity and Self Sufficiency Programs for FY2005. This announcement contains the consolidated names and addresses of those award recipients selected for each state.

FOR FURTHER INFORMATION CONTACT: For questions concerning the FY2005 Resident Opportunities and Self Sufficiency (ROSS) awards, contact the Office of Public and Indian Housing's Grants Management Center, Director, Iredia Hutchinson, Department of Housing and Urban Development, Washington, DC, telephone (202) 358–0273. For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at (800) 877–8339. (Other than the ''800'' TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The authority for $104.9 million in budget authority for use in the housing of elderly and non-elderly and disabled families is found in the Departments of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, FY2005 (Pub. L. 108). The allocation of housing assistance budget authority is pursuant to the provisions of 24 CFR part 791, subpart D, implementing section 213(d) of the Housing and Community Development Act of 1974, as amended.

These programs are intended to provide funding under the ROSS programs, to link services to public housing residents by providing grants for supportive service, resident empowerment activities, and activities that assist residents in becoming economically self-sufficient. The FY2005 awards announced in this notice were selected for funding as

announced in a **Federal Register** NOFA published on March 21, 2005 (70 FR 14054). Applications were scored based on the selection criteria in that notice and funding selections were made based on the rating and ranking of applications within each state.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the names, addresses, and amounts of the awards under the Resident Services Delivery Models—Elderly and Persons with Disabilities, Resident Services Delivery Models—Family, Homeownership Supportive Services, Public Housing Family Self Sufficiency and Public Housing Neighborhood Networks competitions.

Dated: December 10, 2007.

Orlando J. Cabrera,

Assistant Secretary for Public and Indian Housing.

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS

Recipient	Address	City	State	Zip Code	Amount
Public Housing Family Self-Sufficiency					
Housing Authority of the Birmingham District	1826–3rd Avenue South.	Birmingham	AL	35233	$65,000
Tuscaloosa Housing Authority	P.O. Box 2281	Tuscaloosa	AL	35403	36,466
Mobile Housing Board	151 South Claiborne Street.	Mobile	AL	36602	58,438
Housing Authority of the City of Prichard	4559 St. Stephens Road.	Eight Mile	AL	36613	44,748
The Housing Authority of the City of Huntsville, Alabama.	Post Office Box 486 200 Washington Street.	Huntsville	AL	35804–0486	65,000
Lonoke County Housing Authority	617 North Greenlaw Street.	Carlisle	AR	72024	33,000
Housing Authority of the City of North Little Rock.	2201 Division	North Little Rock	AR	72114	36,099
City of Phoenix Housing Department	200 West Washington, 4th Floor.	Phoenix	AZ	85003	65,000
Housing Authority of Maricopa County	2024 North 7th Street, Ste 101.	Phoenix	AZ	85006	44,760
Housing Authority of the City of Yuma	420 South Madison Avenue.	Yuma	AZ	85364	53,877
San Diego Housing Commission	1625 Newton Avenue	San Diego	CA	92113	130,000
Housing Authority of the City of Oxnard	435 South D Street	Oxnard	CA	93030	65,000
Housing Authority City of Santa Barbara	808 Laguna Street	Santa Barbara	CA	93101	65,000
Housing Authority of the County of Kern	601–24th Street	Bakersfield	CA	93301	46,228
Housing Authority of the City of San Luis Obispo.	487 Leff Street	San Luis Obispo	CA	93401	47,117
The Housing Authority of the City of Madera	205 North G Street	Madera	CA	93637	46,900
Housing Authority of the County of Marin	4020 Civic Center Drive.	San Rafael	CA	94903	60,084
Housing Authority of the County of San Joaquin.	P.O. Box 447	Stockton	CA	95201	155,844
Housing Authority of the County of San Bernardino.	715 East Brier Drive	San Bernardino	CA	92408–2841	65,000
Housing Authority of the City of Oakland	1619 Harrison Street	Oakland	CA	94612–3307	63,000
Housing Authority of the County of Santa Cruz.	2931 Mission Street	Santa Cruz	CA	95060–5709	65,000
Housing Authority of the City & County of Denver.	777 Grant Street	Denver	CO	80203	213,245
Fort Collins Housing Authority	1715 West Mountain Avenue.	Fort Collins	CO	80524	56,434
Meriden Housing Authority	22 Church Street	Meriden	CT	06451	50,500
The Housing Authority of the Town of Greenwich.	249 Milbank Avenue	Greenwich	CT	06830	65,000
Housing Authority of the City of New Haven	P.O. Box 1912 360 Orange Street.	New Haven	CT	06509–1912	53,899
Jacksonville Housing Authority	1300 Broad Street	Jacksonville	FL	32202	42,432
Hialeah Housing Authority	75 East 6th Street	Hialeah	FL	33010	35,801
West Palm Beach Housing Authority	1715 Division Avenue	West Palm Beach	FL	33407	34,683
Housing Authority of the City of Tampa	1514 Union Street	Tampa	FL	33607	58,309
Lakeland Housing Authority	430 Hartsell Avenue	Lakeland	FL	33815	44,928
Housing Authority of the City of Fort Myers	4224 Michigan Avenue.	Fort Myers	FL	33916	51,836
Northwest Georgia Housing Authority	800 North Fifth Avenue.	Rome	GA	30162	35,152
Housing Authority of the City of Albany, GA	P.O. Box 485 521 Pine Avenue.	Albany	GA	31702	26,600
Macon Housing Authority	P.O. Box 4928 2015 Felton Avenue.	Macon	GA	31208–4928	56,301

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Housing and Community Development Corporation of Hawaii	677 Queen Street, Suite 300.	Honolulu	HI	96813	43,700
Eastern Iowa Regional Housing Authority	3999 Pennsylvania Avenue, Suite 200.	Dubuque	IA	52002	61,083
Des Moines Municipal Housing Authority	100 East Euclid, Suite 101.	Des Moines	IA	50313–4534	27,953
Nampa Housing Authority	1703 3rd Street, North	Nampa	ID	83687	37,871
Chicago Housing Authority	626 West Jackson	Chicago	IL	60661	58,500
Rockford Housing Authority	223 South Winnebago Street.	Rockford	IL	61102	59,489
Housing Authority of the City of Rock Island, IL.	227 21st Street	Rock Island	IL	61201	65,000
Housing Authority of Henry County	100 Fairview Junction	Kewanee	IL	61443	44,537
Housing Authority of Champaign County	205 West Park Avenue.	Champaign	IL	61820	32,512
Macoupin County Housing Authority	760 Anderson Street	Carlinville	IL	62626	39,000
The Housing Authority of the City of New Albany, Indiana.	P.O. Box 11 500 Scribner Drive.	New Albany	IN	47150	113,000
Housing Authority of Delaware County, Indiana.	2401 South Haddix Avenue.	Muncie	IN	47302–7547	46,908
Terre Haute Housing Authority	P.O. Box 3086 One Dreiser Square.	Terre Haute	IN	47803–0086	56,466
Lawrence-Douglas County Housing Authority	1600 Haskell Avenue	Lawrence	KS	66044	55,348
Louisville Metro Housing Authority	420 South Eighth Street.	Louisville	KY	40203	122,064
Housing Authority of Bowling Green	247 Double Springs Road.	Bowling Green	KY	42101	45,000
Housing Authority of Glasgow	111 Bunche Avenue	Glasgow	KY	42141	33,000
Housing Authority of the City of Monroe	300 Harrison Street	Monroe	LA	71201–7441	20,798
Somerville Housing Authority	30 Memorial Road	Somerville	MA	02145	65,000
Holyoke Housing Authority	475 Maple Street	Holyoke	MA	01040–0000	55,607
St. Mary's County Housing Authority	P.O. Box 653	Leonardtown	MD	20650	50,419
Rockville Housing Enterprises	621 A Southlawn Lane.	Rockville	MD	20850	60,852
Housing Opportunities Commission	10400 Detrick Avenue	Kensington	MD	20895	121,753
Housing Authority of Baltimore City	417 East Fayette Street, Room 265.	Baltimore	MD	21202	63,000
Housing Authority of the City of Frederick	209 Madison Street	Frederick	MD	21701	12,551
Housing Authority of the City of Hagerstown	35 West Baltimore Street.	Hagerstown	MD	21740	94,291
Housing Authority of Washington County	P.O. Box 2944 44 North Potomac Street.	Hagerstown	MD	21740–2944	4,144
Portland Housing Authority	14 Baxter Boulevard	Portland	ME	04101	16,524
Housing Authority of the City of Brewer	15 Colonial Circle, Suite 1.	Brewer	ME	04412	45,574
Lewiston Housing Authority	1 College Street	Lewiston	ME	04240–7118	15,398
Grand Rapids Housing Commission	1420 Fuller Avenue SE.	Grand Rapids	MI	49507	63,600
Saginaw Housing Commission	P.O. Box 3225 1803 Norman Street.	Saginaw	MI	48605–3225	45,427
Washington County Housing and Redevelopment Authority.	321 Broadway Avenue	Saint Paul Park	MN	55071	25,229
Housing & Redevelopment Authority of Virginia MN.	442 Pine Mill Court	Virginia	MN	55792–3097	51,360
St. Louis Housing Authority	4100 Lindell Boulevard.	St. Louis	MO	63108	63,000
Housing Authority of Kansas City, Missouri	301 East Armour	Kansas	MO	64111	44,800
Housing Authority of the City of Jackson, Mississippi.	2747 Livingston Road	Jackson	MS	39213	60,760
The Housing Authority of the City of Meridian	2425 E Street	Meridian	MS	39301	46,016
The Housing Authority of the City of Biloxi	P.O. Box 447 330 Benachi Avenue.	Biloxi	MS	39533–0447	40,400
Housing Authority of the City of High Point	500 East Russell Avenue.	High Point	NC	27261	58,402
Lexington Housing Authority	P.O. Box 1085 1 Jamaica Drive.	Lexington	NC	27292	50,829
Greensboro Housing Authority	P.O. Box 21287 450 North Church Street.	Greensboro	NC	27420	56,622
Greenville Housing Authority	1103 Broad Street	Greenville	NC	27835	52,078

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Gastonia Housing Authority	P.O. Box 2398 340 West Long Avenue.	Gastonia	NC	28053	46,718
Housing Authority of the City of Wilmington, NC.	1524 South 16th Street.	Wilmington	NC	28401	90,703
Hickory Public Housing Authority	P.O. Box 2927	Hickory	NC	28603	44,489
Statesville Housing Authority	110 W. Allison Street	Statesville	NC	28677	63,712
City of Concord Housing Department	P.O. Box 308 283 Harold Goodman Circle.	Concord	NC	28026–0308	41,895
Housing Authority of the City of Omaha	540 South 27 Street	Omaha	NE	68105	38,591
Housing Authority of the City of Lincoln	5700 R Street	Lincoln	NE	68505	60,913
Kearney Housing Authority	2715 Avenue I OFC	Kearney	NE	68847	45,731
Keene Housing Authority	105 Castle Street	Keene	NH	03431	44,209
Long Branch Housing Authority	P.O. Box 337 Garfield Court.	Long Branch	NJ	07740	65,000
Housing Authority of the City of Camden	1300 Admiral Wilson Boulevard.	Camden	NJ	08102	44,432
Millville Housing Authority	P.O. Box 803 309 Buck Street.	Millville	NJ	08332	21,720
Atlantic City Housing Authority	P.O. Box 1258 227 North Vermont Avenue, 17th Floor.	Atlantic City	NJ	08401	50,089
City of Albuquerque Housing Services	1840 University Boulevard South East.	Albuquerque	NM	87106	65,000
Santa Fe Civic Housing Authority, Inc.	664 Alta Vista	Santa Fe	NM	87505	65,000
Truth or Consequences Housing Authority	108 Cedar Street	Truth or Consequences.	NM	87901	9,385
Housing Authority of the City of Las Vegas	340 North 11th Street	Las Vegas	NV	89101	125,866
Housing Authority of the City of Reno	1525 East 9th Street	Reno	NV	89512–3012	25,301
New Rochelle Municipal Housing Authority	50 Sickles Avenue	New Rochelle	NY	10801	63,000
Cohoes Housing Authority	100 Manor Sites	Cohoes	NY	12047	13,562
Troy Housing Authority	1 Eddy's Lane	Troy	NY	12180	53,478
Schenectady Municipal Housing Authority	375 Broadway	Schenectady	NY	12305	49,342
Municipal Housing Authority of the City of Utica, New York.	509 Second Street	Utica	NY	13501	65,000
Buffalo Municipal Housing Authority	300 Perry Street	Buffalo	NY	14204	61,212
Geneva Housing Authority	P.O. Box 153 41 Lewis Street.	Geneva	NY	14456	57,747
Lucas Metropolitan Housing Authority	435 Nebraska Avenue	Toledo	OH	43602	48,966
Zanesville Metropolitan Housing Authority	407 Pershing Road	Zanesville	OH	43701	46,891
Morgan Metropolitan Housing Authority	4580 N. Street, Route 376.	McConnelsville	OH	43756	44,289
Lorain Metropolitan Housing Authority	1600 Kansas Avenue	Lorain	OH	44052	35,532
Akron Metropolitan Housing Authority	100 West Cedar Street.	Akron	OH	44307	100,203
Trumbull Metropolitan Housing Authority	4076 Youngstown Road, South East, Suite 101.	Warren	OH	44484	43,200
Butler Metropolitan Housing Authority	4110 Hamilton-Middletown Road.	Hamilton	OH	45011	37,522
Chillicothe Metropolitan Housing Authority	178 West Fourth Street.	Chillicothe	OH	45601	21,391
Allen Metropolitan Housing Authority	600 South Main	Lima	OH	45804	37,170
Housing Authority of the City of Muskogee	220 North 40th Street	Muskogee	OK	74401	40,000
Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74148–0369	31,513
Housing Authority of the City of Shawnee, OK.	P.O. Box 3427 601 West 7th Street.	Shawnee	OK	74802–3427	89,232
Housing Authority of Portland	135 Southwest Ash Street.	Portland	OR	97204	191,699
Housing Authority & Urban Renewal Agency of Polk County.	P.O. Box 467 204 South West Walnut Avenue.	Dallas	OR	97338	13,971
Housing and Community Services Agency of Lane County.	177 Day Island Road	Eugene	OR	97401	65,000
Housing Authority of Jackson County	2251 Table Rock Road.	Medford	OR	97501	33,402
Housing Authority of the City of Salem	P.O. Box 808	Salem	OR	97308–0808	62,311
Allegheny County Housing Authority	625 Stanwix Street, 12th Floor.	Pittsburgh	PA	15222	62,430

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Housing Authority of the City of York	P.O. Box 31 31 South Broad Street.	York	PA	17403	40,229
Housing Authority of Northumberland County	50 Mahoning Street	Milton	PA	17847	44,728
Philadelphia Housing Authority	12 South 23rd Street	Philadelphia	PA	19103	65,000
Westmoreland County Housing Authority	RD #6 Box 223 South Greengate Road.	Greensburg	PA	15601–9308	37,618
Woonsocket Housing Authority	679 Social Street	Woonsocket	RI	02895	91,400
Housing Authority of the City of Providence	100 Broad Street	Providence	RI	02903	63,000
Housing Authority of the City of Columbia, SC.	1917 Harden Street	Columbia	SC	29204	38,115
The Housing Authority of the City of Spartanburg.	325 South Church Street.	Spartanburg	SC	29306	47,250
The Housing Authority of the City of Greenville, SC.	511 Augusta Street	Greenville	SC	29605	31,429
Metropolitan Development & Housing Agency.	701 South 6th Street	Nashville	TN	37206	120,126
Jackson Housing Authority	125 Preston Street	Jackson	TN	38301	83,698
The Housing Authority of The City of Dallas, Texas (DHA).	3939 North Hampton Road.	Dallas	TX	75212	44,642
Housing Authority of the City of Houston	2640 Fountain View Street.	Houston	TX	77057	49,504
Housing Authority of the City of Beaumont	1890 Laurel	Beaumont	TX	77701	26,957
The Housing Authority of the City of San Antonio.	818 South Flores	San Antonio	TX	78204	293,326
City of San Marcos Housing Authority	1201 Thorpe Lane	San Marcos	TX	78666	36,292
Housing Authority of the City of Austin	1640 B. East 2nd Street.	Austin	TX	78702	94,360
Housing Authority of the City of Waco	P.O. Box 978 4400 Cobbs Drive.	Waco	TX	76703–0978	47,773
Housing Authority of Salt Lake City	1776 South West Temple.	Salt Lake City	UT	84115	51,457
Housing Authority of the County of Salt Lake	3595 South Main Street.	Salt Lake City	UT	84115	56,194
Fairfax Co. Redev. and Housing Authority	3700 Pender Drive, Suite 300.	Fairfax	VA	22030	63,000
Harrisonburg Redevelopment and Housing Authority.	P.O. Box 1071	Harrisonburg	VA	22803	17,146
Chesapeake RHA	1468 South Military Highway.	Chesapeake	VA	23320	46,513
Norfolk Redevelopment and Housing Authority.	201 Granby Street	Norfolk	VA	23510	130,000
Portsmouth Redevelopment and Housing Authority.	P.O. Box 1098 801 Water Street.	Portsmouth	VA	23705	47,738
Petersburg Redevelopment and Housing Authority.	128 South Sycamore Street.	Petersburg	VA	23804	44,733
Roanoke Redevelopment and Housing Authority.	2624 Salem Turnpike, Northwest.	Roanoke	VA	24017	108,240
Bristol Redevelopment and Housing Authority.	809 Edmond Street	Bristol	VA	24201	37,177
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	42,000
Richmond Redevelopment Housing Authority	P.O. Box 26887 901 Chamberlayne Parkway.	Richmond	VA	23261–6887	65,000
Newport News Redevelopment and Housing Authority.	P.O. Box 797 227 27th Street.	Newport News	VA	23607–0797	44,788
Housing Authority of the City of Bremerton	110 Russell Road	Bremerton	WA	98312	46,750
Housing Authority of the City of Tacoma	902 South L Street	Tacoma	WA	98405	52,067
Seattle Housing Authority	P.O. Box 19028 120 6th Avenue North.	Seattle	WA	98109–1028	53,945
City of Waukesha Housing Authority	120 Corrina Boulevard	Waukesha	WI	53186	57,200
Housing Authority of the City of Milwaukee	809 North Broadway	Milwaukee	WI	53202	65,000
City of Green Bay Housing Authority c/o Integrated Community Services, Inc..	201 West Walnut Street.	Green Bay	WI	54303	43,753
Housing Authority of the City of Charleston	911 MIchael Avenue	Charleston	WV	25312	40,773
Parkersburg Housing Authority	1901 Cameron Avenue.	Parkersburg	WV	26101	31,113
Housing Authority of the City of Cheyenne	3304 Sheridan Street	Cheyenne	WY	82009	32,398

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Homeownership Supportive Services					
City of Phoenix Housing Department	251 West Washington, 4th Floor.	Phoenix	AZ	85003	350,000
The Housing Authority of the City of Madera	205 North G Street	Madera	CA	93637	250,000
Housing Authority of the City & County of Denver.	777 Grant Street	Denver	CO	80203	500,000
Housing Authority of Bowling Green	P.O. Box 116	Bowling Green	KY	42102	250,000
City of Concord Housing Department	P.O. Box 308 283 Harold Goodman Circle.	Concord	NC	28026–0308	250,000
Keene Housing Authority	105 Castle Street	Keene	NH	03431	150,759
Municipal Housing Authority of the City of Utica, New York.	509 Second Street	Utica	NY	13501–2400	250,000
Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74148–0369	227,317
North Charleston Housing Authority	2170 Ashley Phosphate, Suite 700.	North Charleston	SC	29406	250,000
Empowerment 2010, Inc.	2011 Queen Street	Portsmouth	VA	23704	262,486
Housing Authority of the City of Milwaukee	809 North Broadway	Milwaukee	WI	53202	350,000
Elderly and Persons with Disabilities Tuscaloosa Housing Authority.	2808 10th Avenue	Tuscaloosa	AL	35403	350,000
Area Housing Authority of the County of Ventura.	1400 W. Hillcrest Drive.	Newbury Park	CA	91320	250,000
The Housing Authority of the County of Los Angeles.	2 Coral Circle	Monterey Park	CA	91755	450,000
Housing Authority of the County of Marin	4020 Civic Center Drive.	San Rafael	CA	94903	250,000
Gainesville Housing Authority	1900 South East 4th Street.	Gainesville	FL	32602	349,995
The Housing Authority of the City of Lakeland.	430 Hartsell Avenue	Lakeland	FL	33815	250,000
Housing and Community Development Corporation of Hawaii.	677 Queen Street, Suite 300.	Honolulu	HI	96813	450,000
Kokua Kalihi Valley	2239 North School Street.	Honolulu	HI	96819	375,000
Housing Authority of the City of Rock Island, Illinois.	227 21st Street	Rock Island	IL	61201	249,980
ElderServe, Inc.	411 East Muhammad Ali Boulevard.	Louisville	KY	40202	250,000
Housing Authority of Owensboro	2161 East 19th Street	Owensboro	KY	42303	125,000
Lowell Housing Authority	Post Office Box 60 350 Moody Street.	Lowell	MA	01853–0060	349,809
Hopkins Housing and Redevelopment Authority.	1010 1st Street South	Hopkins	MN	55343	197,804
Kearney Housing Agency	2715 Avenue I OFC	Kearney	NE	68847	86,642
Lebanon Housing Authority	31 Romano Circle	West Lebanon	NH	03784	36,641
Housing Authority of the City of Paterson	60 Van Houten Street	Paterson	NJ	07505	350,000
The Housing Authority of the City of Camden	1300 Admiral Wilson Boulevard.	Camden	NJ	08102	303,659
Truth or Consequences Housing Authority	108 South Cedar Street.	Truth or Consequences.	NM	87901	250,000
Housing Authority of the City of Reno	1525 East 9th Street	Reno	NV	89512–3012	350,000
New Rochelle Municipal Housing Authority	50 Sickles Avenue	New Rochelle	NY	10801	250,000
Municipal Housing Authority of the City of Utica, New York.	509 Second Street	Utica	NY	13501	140,000
Dayton Metropolitan Housing Authority	Post Office Box 8750 400 Wayne Avenue.	Dayton	OH	45401–8750	403,828
Housing Authority of Clackamas County	13930 South Gain Street.	Oregon City	OR	97045	250,000
White Rose Senior Center, Inc.	27 South Broad Street	York	PA	17403	375,000
The Housing Authority of the City of Greenville, SC.	511 Augusta Street	Greenville	SC	29605	350,000
Town of Crossville Housing Authority	67 Irwin Avenue	Crossville	TN	38555	150,000
The Housing Authority of the City of Johnson City, TN.	P.O. Box 50 900 Pardee Street.	Johnson City	TN	37605–0059	350,000
Housing Authority of Salt Lake City	1776 South West Temple.	Salt Lake City	UT	84115	350,000
Roanoke Redevelopment and Housing Authority.	2624 Salem Turnpike, NW.	Roanoke	VA	24017–0359	350,000

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Burlington Housing Authority	65 Main Street	Burlington	VT	05401	249,458
Fremont Public Association	1501 North 45th Street.	Seattle	WA	98103	375,000
Housing Authority of the County of Clallam	2603 South Francis Street.	Port Angeles	WA	98362	146,894
Friends of Housing Corporation	9141 West Lisbon Avenue.	Milwaukee	WI	53222	375,000
Resident Service Delivery Models—Family					
The Housing Authority of the City of Huntsville, Alabama.	Post Office Box 486 200 Washington Street.	Huntsville	AL	35804–0486	340,915
City of Phoenix Housing Department	251 West Washington, 4th Floor.	Phoenix	AZ	85003	350,000
Housing Authority City of Los Angeles	2600 Wilshire Boulevard, Third Floor.	Los Angeles	CA	90057	500,000
Area Housing Authority of the County of Ventura.	1400 West Hillcrest Drive.	Newbury Park	CA	91320	161,762
The Housing Authority of the County of Los Angeles.	2 Coral Circle	Monterey Park	CA	91755	350,000
San Diego Housing Commission	1625 Newton Avenue	San Diego	CA	92113	350,000
Housing Authority of the City of Oxnard	435 South D Street	Oxnard	CA	93030	250,000
Housing Authority of the County of Kern	601 24th Street	Bakersfield	CA	93301	249,637
Housing Authority of the County of Marin	4020 Civic Center Drive.	San Rafael	CA	94903	250,000
Housing Authority of the County of Merced	405 U Street	Merced	CA	95340	250,000
Housing Authority of the County of San Bernardino.	715 East Brier Drive	San Bernardino	CA	92408–2841	350,000
Housing Authority of the County of Stanislaus.	P.O. Box 581918 1701 Robertson Road.	Modesto	CA	95380–0033	250,000
Housing Authority of the City & County of Denver.	777 Grant Street	Denver	CO	80203	500,000
Meriden Housing Authority	22 Church Street	Meriden	CT	06451	250,000
District of Columbia Housing Authority	1133 North Capitol Street, Northeast.	Washington	DC	20002	500,000
ACORN Institute Inc.	739 8th Street South East.	Washington	DC	20003	362,378
Housing Authority of the City of Tampa	1514 Union Street	Tampa	FL	33607	350,000
The Housing Authority of the City of Lakeland.	430 Hartsell Avenue	Lakeland	FL	33815	250,000
Northwest Georgia Housing Authority	800 North Fifth Avenue.	Rome	GA	30162	300,000
The Housing Authority, City of Brunswick	P.O. Box 1118	Brunswick	GA	31521	250,000
Housing Authority of Columbus, Georgia	Post Office Box 630 1000 Wynnton Road.	Columbus	GA	31902	350,000
The Housing Authority of the City of Augusta, Georgia.	P.O. Box 3245 1435 Walton Way.	Augusta	GA	30914–3246	350,000
Chicago Housing Authority	626 West Jackson	Chicago	IL	60661	999,997
Rowney Corporation	1401 South Bancroft	Indianapolis	IN	46203	0
Beechwood Gardens Resident Management Corporation.	2952 Priscilla Avenue	Indianapolis	IN	46218	0
Indianapolis Citizens Empowerment Foundation.	3346 Teakwood Drive	Indianapolis	IN	46227	0
Housing Authority of the City of Kokomo, Indiana.	P.O. Box 1207 210 East Taylor Street.	Kokomo	IN	46901	250,000
The Housing Authority of the City of New Albany, Indiana.	P.O. Box 11 500 Scribner Drive.	New Albany	IN	47150	349,921
Housing Authority of the City of Evansville	500 Court Street	Evansville	IN	47708	247,362
Indianapolis Housing Agency	1919 North Meridian	Indianapolis	IN	46202–1303	350,000
Lawrence-Douglas County Housing Authority	1600 Haskell Avenue	Lawrence	KS	66044	250,000
Lebanon Housing Authority	101 Hamilton Heights	Lebanon	KY	40033	250,000
The Housing Authority of Covington	2300 Madison Avenue	Covington	KY	41014	241,500
Housing Authority of Henderson	111 South Adams Street.	Henderson	KY	42420	245,295
Campbellsville Housing & Redevelopment Authority.	400 Ingram Avenue	Campbellsville	KY	42718	250,000
Boston Housing Authority	52 Chauncy Street	Boston	MA	02111	500,000

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Cambridge Housing Authority	675 Massachusetts Avenue.	Cambridge	MA	02139	350,000
Housing Authority of Baltimore City	417 East Fayette Street, Room 265.	Baltimore	MD	21202	690,583
Lewiston Housing Authority	1 College Street	Lewiston	ME	04240	166,169
Grand Rapids Housing Commission	1420 Fuller Avenue, Southeast.	Grand Rapids	MI	49507	250,000
Keweenaw Bay Ojibwa Housing Authority	HC 1, Box 486E	L'Anse	MI	49946	165,913
Housing Authority of St. Louis County	8865 Natural Bridge Road.	St. Louis	MO	63121	250,000
Housing Authority of Kansas City, Missouri	301 East Armour	Kansas City	MO	64111	349,635
Housing Authority of the City of Columbia, Missouri.	201 Switzler Street	Columbia	MO	65203	250,000
Housing Authority of the City of Biloxi	330 Benachi Avenue	Biloxi	MS	39530	250,000
Housing Authority of Winston Salem	500 West Fourth Street, Suite 300.	Winston Salem	NC	27101	250,000
Troy Housing Authority	408 South Main Street	Troy	NC	27371	150,000
Greensboro Housing Authority	P.O. Box 21287 450 North Church Street.	Greensboro	NC	27420	350,000
Gastonia Housing Authority	P.O. Box 2398 340 West Long Avenue.	Gastonia	NC	28053	250,000
Housing Authority of the City of Wilmington, N.C..	1524 South 16th Street.	Wilmington	NC	28451	350,000
City of Albuquerque	P.O. Box 1293	Albuquerque	NM	87103	250,000
Truth or Consequences Housing Authority	108 Cedar Avenue	Truth or Consequences.	NM	87901	250,000
Housing Authority of the City of Reno	1525 East 9th Street	Reno	NV	89512–3012	250,000
New York City Housing Authority	250 Broadway	New York	NY	10007	542,042
New Rochelle Municipal Housing Authority	50 Sickles Avenue	New Rochelle	NY	10801	250,000
New York Agency for Community Affairs	88 Third Avenue, 3rd Floor.	Brooklyn	NY	11217	124,942
Troy Housing Authority	One Eddy's Lane	Troy	NY	12180	349,994
Schenectady Municipal Housing Authority	375 Broadway	Schenectady	NY	12305	250,000
Municipal Housing Authority of the City of Utica, New York.	509 Second Street	Utica	NY	13501	250,000
Rochester Housing Authority	675 West Main Street	Rochester	NY	14611	350,000
Albany Housing Authority	200 South Pearl Street.	Albany	NY	12202–1834	350,000
Akron Metropolitan Housing Authority	100 West Cedar Street.	Akron	OH	44307	500,000
Stark Metropolitan Housing Authority	400 East Tuscarawas Street.	Canton	OH	44702	350,000
Dayton Metropolitan Housing Authority	P.O. Box 8750 400 Wayne Avenue.	Dayton	OH	45410	350,000
Chillicothe Metropolitan Housing Authority	178 West Fourth Street.	Chillicothe	OH	45601	250,000
Lucas Metropolitan Housing Authority	P.O. Box 477	Toledo	OH	43697–0477	350,000
Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74106	349,987
Cherokee Nation	P.O. Box 948	Tahlequah	OK	74465	350,000
Housing Authority of the Choctaw Nation of Oklahoma.	P.O. Box G 1005 South 5th.	Hugo	OK	74743	350,000
Oklahoma City Housing Authority	1700 Northeast Fourth Street.	Oklahoma City	OK	73117–3800	350,000
Housing Authority of Portland	135 Southwest Ash Street.	Portland	OR	97204	350,000
Housing Authority of the City of Salem	P.O. Box 808	Salem	OR	97308–0808	250,000
Allegheny County Housing Authority	625 Stanwix Street, 12th Floor.	Pittsburgh	PA	15222	350,000
Housing Authority of the City of Providence	100 Broad Street	Providence	RI	02903	350,000
The Housing Authority of the City of Spartanburg.	325 South Church Street.	Spartanburg	SC	29306	350,000
Shelbyville Housing Authority	P.O. Box 560 316 Templeton Street.	Shelbyville	TN	37160	246,121
The Housing Authority of the City of Dallas, Texas (DHA).	3939 North Hampton Road.	Dallas	TX	75212	500,000
Waynesboro Redevelopment and Housing Authority.	P.O. Box 1138 1700 New Hope Road.	Waynesboro	VA	22980	245,000
Portsmouth Redevelopment and Housing Authority.	P.O. Box 1098 801 Water Street.	Portsmouth	VA	23705	350,000

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Roanoke Redevelopment and Housing Authority.	2624 Salem Turnpike	Roanoke	VA	24017	350,000
Bristol Redevelopment and Housing Authority.	809 Edmond Street	Bristol	VA	24201	250,000
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	250,000
Pleasant View Tenant Association, Inc.	101 Pleasant View Avenue.	Danville	VA	24541	125,000
Newport News Redevelopment & Housing Authority.	P.O. Box 797 227 27th Street.	Newport News	VA	23607–0797	350,000
Housing Authority of the City of Tacoma	902 South L Street	Tacoma	WA	98405	350,000
Seattle Housing Authority	P.O. Box 19028 120 Sixth Avenue North.	Seattle	WA	98109–1028	343,301
Housing Authority of the City of Vancouver	2500 Main Street	Vancouver	WA	98660–2697	250,000
Housing Authority of the City of Milwaukee	809 North Broadway	Milwaukee	WI	53202	350,000
Charleston Housing Authority	911 Michael Avenue	Charleston	WV	25312	85,000
The Huntington WV Housing Authority	P.O. Box 2183 300 Seventh Avenue West.	Huntington	WV	25722	249,999
Neighborhood Networks					
Tuscaloosa Housing Authority	P.O. Box 2281	Tuscaloosa	AL	35403	400,000
The Housing Authority of the City of Huntsville, Alabama.	Post Office Box 486 200 Washington Street.	Huntsville	AL	35804–0486	199,888
City of Phoenix Housing Department	251 West Washington, 4th Floor.	Phoenix	AZ	85003	400,000
Housing Authority of the City of Los Angeles	2600 Wilshire Boulevard, Third Floor.	Los Angeles	CA	90057	250,000
Housing Authority of the City of Oxnard	435 South D Street	Oxnard	CA	93030	150,000
Housing Authority of the County of San Bernardino.	715 East Brier Drive	San Bernardino	CA	92408–2841	200,000
Housing Authority of the City of San Buenaventura.	995 Riverside Street	Ventura	CA	93001–1636	150,000
Housing Authority of the City of Oakland	1619 Harrison Street	Oakland	CA	94612–3307	296,250
Housing Authority of the City & County of Denver.	777 Grant Street	Denver	CO	80203	500,000
The Housing Authority of the City of Norwalk	24½ Monroe Street	Norwalk	CT	06856–0508	400,000
District of Columbia Housing Authority	1133 North Capitol Street Northeast.	Washington	DC	20002	599,969
The Housing Authority of the City of Lakeland.	430 Hartsell Avenue	Lakeland	FL	33815	300,000
Carrollton Housing Authority	1 Roop Street	Carrollton	GA	30117	300,000
College Park Housing Authority	2000 Princeton Avenue.	College Park	GA	30337	250,000
Housing Authority of Columbus, Georgia	P.O. Box 630 1000 Wynnton Road.	Columbus	GA	31902–0630	400,000
Housing Authority of the City of Rock Island, IL.	227 21st Street	Rock Island	IL	61201	299,117
Lawrence-Douglas County Housing Authority	1600 Haskell Avenue	Lawrence	KS	66044	150,000
Lebanon Housing Authority	101 Hamilton Heights	Lebanon	KY	40033	150,000
The Housing Authority of Cynthiana	148 Federal Street	Cynthiana	KY	41031	150,000
Housing Authority of Martin	P.O. Box 806 109 Raymond Griffith Drive # 1101.	Martin	KY	41649	150,000
Housing Authority of Henderson	111 South Adams Street.	Henderson	KY	42420	146,375
Campbellsville Housing & Redevelopment Authority.	400 Ingram Avenue	Campbellsville	KY	42718	150,000
Housing Authority of Somerset	P.O. Box 449	Somerset	KY	42502–0449	150,000
Housing Authority of Baltimore	417 East Fayette Street, Room 265.	Baltimore	MD	21202	594,550
St. Louis Housing Authority	4100 Lindell Boulevard.	St. Louis	MO	63108	250,000
Housing Authority of the City of Independence MO.	210 South Pleasant	Independence	MO	64050	148830
Housing Authority of Kansas City, Missouri	301 East Armour	Kansas City	MO	64111	193,368
Housing Authority of the City of Columbia, Missouri.	201 Switzler Street	Columbia	MO	65203	300,000
Housing Authority of the City of Biloxi	330 Benachi Avenue	Biloxi	MS	39530	150,000

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Atlantic City Housing Authority	P.O. Box 1258 227 North Vermont Avenue, 17th Floor.	Atlantic City	NJ	08401	150,000
New York City Housing Authority	250 Broadway—11th Floor.	New York	NY	10007	600,000
New Rochelle Municipal Housing Authority	50 Sickles Avenue	New Rochelle	NY	10801	150,000
Municipal Housing Authority of the City of Utica, New York.	509 Second Street	Utica	NY	13501	300,000
Lackawanna Municipal Housing Authority	135 Odell Street	Lackawanna	NY	14218	300,000
Akron Metropolitan Housing Authority	100 West Cedar Street.	Akron	OH	44307	251,041
Oklahoma City Housing Authority	1700 Northeast Fourth Street.	Oklahoma City	OK	73117–3800	399,974
The Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74148–0369	193,536
Housing Authority of the City of Salem	P.O. Box 808	Salem	OR	97308–0808	300,000
Housing Authority of the City of York	P.O. Box 1963 31 South Broad Street.	York	PA	17403	150,000
Housing Authority of the City of Providence	100 Broad Street	Providence	RI	02903	250,000
The Housing Authority of the City of Spartanburg.	325 South Church Street.	Spartanburg	SC	29306	199,238
North Charleston Housing Authority	2170 Ashley Phosphate Road, Suite 700.	North Charleston	SC	29406	150,000
Memphis Housing Authority	700 Adams Avenue	Memphis	TN	38105	409,780
Martin Housing Authority	134 East Heights Drive.	Martin	TN	38237	150,000
Housing Authority of the City of Waco	P.O. Box 978 4400 Cobbs.	Waco	TX	76703–0978	399,344
Newport News Redevelopment & Housing Authority.	P.O. Box 797 227 27th Street.	Newport News	VA	23607–0797	398,050
Burlington Housing Authority	65 Main Street	Burlington	VT	05602	294,964
King County Housing Authority	600 Andover Park West.	Tukwila	WA	98188	250,000
Housing Authority of the City of Tacoma	902 South L Street	Tacoma	WA	98405	400,000
Housing Authority of the City of Milwaukee	809 North Broadway	Milwaukee	WI	53211	410,000
ROSS Homeownership Supportive Services					
Housing Authority of the City of Oakland	1619 Harrison Street	Oakland	CA	94612–3307	500,000
Housing Authority of the County of Cook	310 South Michigan Avenue—Suite 1500.	Chicago	IL	60604	250,000
Quincy Housing Authority	80 Clay Street	Quincy	MA	02170	250,000
Housing Authority of the City of Camden	1300 Admiral Wilson Boulevard.	Camden	NJ	08102	350,000
Memphis Housing Authority	700 Adams Avenue	Memphis	TN	38105	265,009
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	250,000
Housing Authority of the City of Milwaukee	809 North Broadway	Milwaukee	WI	53202	350,000
ROSS Resident Service Delivery Models—Elderly					
Lutheran Social Ministry of the Southwest	5049 East Broadway Boulevard, Suite 102.	Tuscon	AZ	85711	375,000
Housing Authority of the County of Los Angeles.	2 Coral Circle	Los Angeles	CA	91755	400,000
Housing Authority of the City of New Haven	360 Orange Street	New Haven	CT	06511	300,000
Meriden Housing Authority	22 Church Street	New Haven	CT	06451	300,000
Housing and Community Development Corporation of Hawaii.	677 Queen Street, Suite 300.	Honolulu	HI	96813	400,000
Housing Authority of Hopkinsville	P.O. Box 437 400 North Elm Street.	Christian	KY	42241–0437	65,000
Housing Authority of Maysville	600 Clark Street	Mason	KY	41056	200,000
Holyoke Housing Authority	475 Maple Street	Hampden	MA	01040	300,000
Housing Authority of the City of Camden	1300 Admiral Wilson Boulevard.	Camden	NJ	08102	300,000
Cohoes Housing Authority	100 Manor Sites	Albany	NY	12047	109,158

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
Newark Housing Authority	P.O. Box 108 200 Driving Park Circle.	Wayne	NY	14513–0108	101,350
Village of Great Neck Housing Authority	700 Middle Neck Road.	Nassau	NY	11023–1242	160,855
Housing Authority of the City of Shawnee, Oklahoma.	P.O. Box 3427 601 West 7th Street.	Pottawatomie	OK	74802–3427	200,000
Hazleton Housing Authority	320 West Mine Street	Luzerne	PA	18201	100,000
Housing Authority of Luzerne County	250 First Avenue	Luzerne	PA	18704	300,000
Friends of Housing Corporation	9141 West Libson Avenue.	Milwaukee	WI	53222	375,000
Resident Service Delivery Models—Family					
City of Glendale Community Housing Division.	6842 North 61st Avenue.	Glendale	AZ	85301	250,000
City of Tucson	P.O. Box 27210 310 North Commerce Park Loop.	Tucson	AZ	85726–7210	350,000
The Housing Authority of the County of Los Angeles.	2 Coral Circle	Monterey Park	CA	91755	350,000
Housing Authority of the County of San Diego.	3989 Ruffin Road	San Diego	CA	92123	250,000
San Diego Housing Commission	1625 Newton Avenue	San Diego	CA	92113–1038	350,000
Housing Authority of the County of San Bernardino.	715 East Brier Drive	San Bernardino	CA	92408–2841	350,000
Lakewood Housing Authority	480 South Allison Parkway.	Lakewood	CO	80226	150,000
Housing Authority of the City of Pueblo	1414 North Santa Fe Avenue, 10th Floor.	Pueblo	CO	81008	350,000
Housing Authority of the City of New Haven	360 Orange Street	New Haven	CT	06511	350,000
Housing Authority of the City of Norwalk	24½ Monroe Street	Norwalk	CT	06856–0508	250,000
Housing Authority of Brevard County	615 Kurek Court	Merritt Island	FL	32953	249,884
Housing Authority of the City of Fort Myers	4224 Michigan Avenue.	Fort Myers	FL	33916	250,000
The Housing Authority of the City of Bradenton, Florida.	1307 6th Street West	Bradenton	FL	34205	250,000
Fort Pierce Housing Authority	707 North 7th Street	Fort Pierce	FL	34950	250,000
Housing Authority of the City of Cordele, Georgia.	401 South Tenth Street.	Cordele	GA	31015	250,000
Housing Authority of Columbus, Georgia	P.O. Box 630	Columbus	GA	31902–0630	349,985
Housing Authority of Paducah	2330 Ohio Street	Paducah	KY	42003	250,000
Housing Authority of the City of Monroe	300 Harrison Street	Monroe	LA	71201	350,000
Quincy Housing Authority	80 Clay Street	Quincy	MA	02170	250,000
Housing Authority of the City of Frederick	209 Madison Street	Frederick	MD	21701	250,000
Housing Authority of the City of Brewer	One Colonial Circle	Brewer	ME	04412	250,000
Presque Isle Housing Authority	58 Birch Street	Presque Isle	ME	04769	250,000
Housing Authority of St Louis County	8865 Natural Bridge	Saint Louis	MO	63121	250,000
Town of Chapel Hill Housing Department	317 Caldwell Street	Chapel Hill	NC	27516	248,240
City of Hickory Public Housing Authority	P.O. Box 2927	Hickory	NC	28603	250,000
Nashua Housing Authority	40 East Pearl Street	Nashua	NH	03060–3462	203,330
Housing Authority of the City of Paterson	60 Van Houten Street	Paterson	NJ	07505	250,000
Housing Authority of the City of Camden	1300 Admiral Wilson Boulevard.	Camden	NJ	08102	350,000
Northern Pueblos Housing Authority	5 West Gutierrez, Suite 10.	Santa Fe	NM	87506	175,670
Housing Authority of the City of Reno	1525 East 9th Street	Reno	NV	89512–3012	250,000
Zanesville Metrpolitan Housing Authority	407 Pershing Road	Zanesville	OH	43701	250,000
Oklahoma City Housing Authority	1700 Northeast Fourth Street.	Oklahoma City	OK	73117	350,000
Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74148–0369	349,841
Housing Authority of Portland	135 South West Ash Street.	Portland	OR	97204	349,993
Housing Authority of the City of York	P.O. Box 1963 31 South Broad Street.	York	PA	17405	250,000
London Bridge Child Care Center	165/145 Duke Street	East Greenwich	RI	02818	125,000
Woonsocket Housing Authority	679 Social Street	Woonsocket	RI	02895	250,000
Providence Housing Authority	100 Broad Street	Providence	RI	02903	350,000
The Housing Authority of the City of Dallas, Texas.	3939 North Hampton Road.	Dallas	TX	75212	500,000

APPENDIX A.—FISCAL YEAR 2005 FUNDING AWARDS FOR THE RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY AND NEIGHBORHOOD NETWORKS PROGRAMS—Continued

Recipient	Address	City	State	Zip Code	Amount
The Housing Authority of the City of Texarkana, Texas.	1611 North Robison Road.	Texarkana	TX	75501	250,000
Housing Authority of the City of Fort Worth	1201 East 13th Street	Fort Worth	TX	76102	350,000
Housing Authority of the City of Austin (HACA).	1640 East 2nd Street	Austin	TX	78702	349,379
Housing Authority of the City of El Paso (HACEP).	5300 Paisano Drive	El Paso	TX	79905	500,000
Temple Housing Authority	P.O. Box 1326	Temple	TX	76503–1326	85,022
Norfolk Redevelopment and Housing Authority.	201 Granby Street	Norfolk	VA	23504	500,000
City of Roanoke Redevelopment & Housing Authority.	2624 Salem Turnpike, NW.	Roanoke	VA	24017	350,000
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	250,000
Pleasant View Tenant Association, Inc.	101 Pleasant View Avenue.	Danville	VA	24541	125,000
YWCA of Seattle-King County-Snohomish County.	1118—Senaca	Seattle	WA	98101	125,000
Housing Authority of the City of Bremerton	P.O. Box 4460 110 Russell Road.	Bremerton	WA	98312	250,000
Housing Authority of the County of Clallam	2603 South Francis Street.	Port Angeles	WA	98362	248,532
Kitsap County Consolidated Housing Authority.	9307 Bayshore Drive, Northwest.	Silverdale	WA	98383	250,000
Housing Authority of the City of Tacoma	902 South L. Street	PieTacoma	WA	98405	350,000
Seattle Housing Authority	120 Sixth Avenue North.	Seattle	WA	98109–1028	350,000
Housing Authority of the City of Milwaukee	809 North Broadway	Milwaukee	WI	53202	350,000

[FR Doc. E8–1454 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4900–FA–31 & 32]

Notice of Funding Awards; Resident Opportunity and Self-Sufficiency and Neighborhood Networks Programs for Fiscal Year 2004

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Announcement of Funding Awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under the FY 2004 Notice of Funding Availability (NOFA) for the Resident Opportunity and Self Sufficiency Programs for Fiscal Year 2004. This announcement contains the consolidated names and addresses of those award recipients selected for each state.

FOR FURTHER INFORMATION CONTACT: For questions concerning the FY 2004 Resident Opportunities and Self Sufficiency (ROSS) awards, contact the Office of Public and Indian Housing's Grants Management Center, Director, Iredia Hutchinson, Department of Housing and Urban Development, Washington, DC, telephone (202) 402–0273. For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1 (800) 877–8339. (Other than the ''800'' TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The authority for $56.6 million in budget authority for use in the housing of elderly and non-elderly and disabled families is found in the Departments of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, (Pub. L. 108). The allocation of housing assistance budget authority is pursuant to the provisions of 24 CFR part 791, subpart D, implementing section 213(d) of the Housing and Community Development Act of 1974, as amended.

These programs are intended to provide funding under the Resident Opportunities and Self-Sufficiency (ROSS) program, to link services to public housing residents by providing grants for supportive service, resident empowerment activities, and activities that assist residents in becoming economically self-sufficient. The Fiscal Year 2004 awards announced in this Notice were selected for funding as announced in a **Federal Register** NOFA published on May 14, 2004 (68 FR 21905). Applications were scored based on the selection criteria in that Notice and funding selections were made based on the rating and ranking of applications within each State.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the names, addresses, and amounts of a total of 162 awards made Resident Opportunities and Self Sufficiency and Neighborhood Network competitions.

Dated: December 10, 2007.

Orlando J. Cabrera,

Assistant Secretary for Public and Indian Housing, P.

Appendix A—Fiscal Year 2004 Funding Awards for the Resident Opportunities and Self Sufficiency Programs

Recipient	Address	City	State	Zip	Amount
ROSS Family Self Sufficiency					
Mobile Housing Board	151 South Claiborne Street	Mobile	AL	36602	$28,930
Tuscaloosa Housing Authority	P.O. Box 2281 2808 10th Avenue	Tuscaloosa	AL	35403–2281	36,105
City of Phoenix Housing Department	251 West Washington 4th Floor	Phoenix	AZ	85003	27,209
City of Tucson	P.O. Box 27210 310 North Commerce Park Loop.	Tucson	AZ	85726–7210	25,250
Housing Authority of Maricopa County	2024 North 7th Street Suite 101	Phoenix	AZ	85006	16,930
Housing Authority of the City of Yuma	420 South Madison Avenue	Yuma	AZ	85364	53,344
Housing Authority of the City of Madera.	205 North G Street	Madera	CA	93637	45,450
Housing Authority of the City of San Luis Obispo.	487 Leff Street	San Luis Obispo.	CA	93401	31,482
Housing Authority of the County of Kern.	601–24th Street	Bakersfield	CA	93301	45,770
Housing Authority of the County of Merced.	405 U Street	Merced	CA	95340	58,365
Housing Authority of the County of Sacramento.	630 I Street	Sacramento	CA	95814	4,632
Housing Authority, City of San Bernardino.	715 East Brier Drive	San Bernardino.	CA	92408–2841	63,000
San Diego Housing Commission	1625 Newton Avenue	San Diego	CA	92113–1038	63,000
Housing Authority of the City of Santa Barbara.	808 Laguna Street	Santa Barbara.	CA	93101	63,000
Housing Authority of the City of New Haven.	360 Orange Street	New Haven	CT	06511	53,366
Meriden Housing Authority	22 Church Street	Meriden	CT	06451	50,000
Dover Housing Authority	76 Stevenson Drive	Dover	DE	19901	35,451
Fort Pierce Housing Authority	707 North 7th Street	Fort Pierce	FL	34950	22,624
Hialeah Housing Authority	75 East 6th Street	Hialeah	FL	33010	35,463
Jacksonville Housing Authority	1300 Broad Street	Jacksonville	FL	32202	41,150
Miami-Dade Housing Agency (MDHA)	1401 Northwest 7th Street	Miami	FL	33125	63,000
Tallahassee Housing Authority	2940 Grady Road	Tallahassee	FL	32312	4,002
The Housing Authority of the City of Bradenton Florida.	1307 6th Street West	Bradenton	FL	34205	45,450
The Housing Authority of the City of Fort Myers.	4224 Michigan Avenue	Fort Myers	FL	33916	51,343
The Housing Authority of the City of Tampa.	1514 Union Street	Tampa	FL	33607	57,732
West Palm Beach Housing Authority	1715 Division Avenue	West Palm Beach.	FL	33407	34,340
Macon Housing Authority	P.O. Box 4928 2015 Felton Avenue	Macon	GA	31208–4928	55,738
Housing and Community Development Corporation of Hawaii.	677 Queen Street, Suite 300	Honolulu	HI	96813	48,840
Eastern Iowa Regional Housing Authority (EIRHA).	3999 Pennsylvania Avenue, Suite 200	Dubuque	IA	52002	56,512
Nampa Housing Authority	1703 Third Street North	Nampa	ID	83687	23,028
Housing Authority of the City of Bloomington.	104 East Wood Street	Bloomington	IL	61701	39,979
Housing Authority of the County of Cook.	310 South Michigan Avenue	Chicago	IL	60604	46,500
Peoria Housing Authority	100 South Richard Pryor Place	Peoria	IL	61605	45,314
Rockford Housing Authority	223 South Winnebago Street	Rockford	IL	61102–2259	58,152
East Chicago Housing Authority	P.O. Box 498 4920 Larkspur Drive	East Chicago	IN	46312	37,350
Housing Authority of the City of Kokomo.	P.O. Box 1207 210 East Taylor Street	Kokomo	IN	46903–1207	3,955
Indianapolis Housing Agency	1919 North Meridian Street	Indianapolis	IN	46202–1303	63,000
The Housing Authority of the City of New Albany, Indiana.	P.O. Box 11 500 Scribner Drive	New Albany	IN	47150	63,000
Lawrence-Douglas County Housing Authority.	1600 Haskell Avenue	Lawrence	KS	66044	27,400
Housing Authority of Bowling Green	P.O. Box 116	Bowling Green.	KY	42102	45,000
Louisville Metro Housing Authority	420 South 8th Street	Louisville	KY	40203	60,428
Housing Authority of Jefferson Parish—LA013.	1718 Betty Street	Marrero	LA	70072	42,420
Housing Authority of the City of Monroe.	300 Harrison Street	Monroe	LA	71201	19,925
Holyoke Housing Authority	475 Maple Street	Holyoke	MA	01040	42,420
Lynn Housing Authority & Neighborhood Development (LHAND).	10 Church Street	Lynn	MA	01902	45,783
Housing Authority of the City of Hagerstown.	35 West Baltimore Street	Hagerstown	MD	21740	93,358
Housing Opportunities Commission	10400 Detrick Avenue	Kensington	MD	20895	77,124

Recipient	Address	City	State	Zip	Amount
Rockville Housing Enterprises	14 Moore Drive	Rockville	MD	20850	20,200
Pinellas County Housing Authority	11479 Ulmerton Road	Largo	MD	33778	63,000
Housing Authority of the City of Brewer	One Colonial Circle	Brewer	ME	04412	45,123
Housing and Redevelopment Authority of Virginia.	P.O. Box 1148 Pine Mill Court	Virginia	MN	55792	50,851
Minneapolis Public Housing Authority	1001 Washington Avenue North	Minneapolis	MN	55401	53,074
Washington County Housing and Redevelopment Authority.	321 Broadway Avenue	Saint Paul Park.	MN	55071	24,973
Housing Authority of Kansas City, Missouri.	301 East Armour	Kansas City	MO	64111	9,123
St. Louis Housing Authority	4100 Lindell Boulevard	St. Louis	MO	63108	60,253
Housing Authority of the City of Biloxi	330 Benachi Avenue	Biloxi	MS	39530	40,000
The Housing Authority of the City of Meridian.	2425 E Street	Meridian	MS	39301	45,560
City of Concord Housing Department	283 Harold Goodman Circle	Concord	NC	28025	41,480
Gastonia Housing Authority	P.O. Box 2398 340 West Long Avenue.	Gastonia	NC	28053–2398	46,718
Hickory Housing Authority	Post Office Box 2927	Hickory	NC	28603	41,694
Housing Authority of the City of Greenville, North Carolina.	P.O. Box 1426 1103 Broad Street	Greenville	NC	27835	40,148
Housing Authority of the City of High Point.	500 East Russell Avenue Post Office Box 1779.	High Point	NC	27261	54,440
Housing Authority of the City of Kinston, North Carolina.	608 North Queen Street	Kinston	NC	28501	40,506
Statesville Housing Authority	110 West Allison Street	Statesville	NC	28677	31,856
Housing Authority of the City of Lincoln	5700 R Street	Lincoln	NE	68505	58,511
Atlantic City Housing Authority	227 North Vermont Avenue 17th Floor	Atlantic City	NJ	08401	49,646
Millville Housing Authority	P.O. Box 803 309 Buck Street	Millville	NJ	08332	21,152
New Brunswick Housing Authority	270 George Street	New Brunswick.	NJ	08901	63,000
The Housing Authority of the City of Newark.	500 Broad Street, 6th Floor	Newark	NJ	07102	107,826
City of Albuquerque	1840 University Boulevard, South East.	Albuquerque	NM	87106	62,229
Santa Fe Civic Housing Authority, Inc.	664 Alta Vista	Santa Fe	NM	87505	38,885
Santa Fe County Housing Authority	52 Camino de Jacobo	Santa Fe	NM	87507	48,813
Truth Or Consequences Housing Authority.	108 South Cedar Street	Truth or Consequences.	NM	87901	9,292
City of Las Vegas Housing Authority	340 North 11th Street	Las Vegas	NV	89101	68,548
Housing Authority of the City of Reno	1525 East 9th Street	Reno	NV	89512–3012	25,068
Buffalo Municipal Housing Authority	300 Perry Street	Buffalo	NY	14204	60,606
Cohoes Housing Authority	100 Manor Sites	Cohoes	NY	12047	13,457
Geneva Housing Authority	P.O. Box 153 41 Lewis Street	Geneva	NY	14456	57,176
New Rochelle Muncipal Housing Authority.	50 Sickles Avenue	New Rochelle	NY	10801	63,000
Rochester Housing Authority	675 West Main Street	Rochester	NY	14611	53,777
Schenectady Municipal Housing Authority.	375 Broadway	Schenectady	NY	12305	48,853
Akron Metropolitan Housing Authority	100 West Cedar Street	Akron	OH	44307–2502	35,121
Chillicothe Metropolitan Housing Authority.	178 West Fourth Street	Chillicothe	OH	45601	21,180
Jefferson Metropolitan Housing Authority.	815 North 6th Avenue	Steubenville	OH	43952	8,068
Lorain Metropolitan Housing Authority	1600 Kansas Avenue	Lorain	OH	44052	30,936
Lucas Metropolitan Housing Authority	435 Nebraska Avenue	Toledo	OH	43602	48,481
Trumbull Metropolitan Housing Authority.	4076 Youngstown Road South East Suite 101.	Warren	OH	44484	43,200
Zanesville Metropolitan Housing Authority.	407 Pershing Road	Zanesville	OH	43701	45,087
Housing Authority of the City of Lawton, Oklahoma.	609 South West F Avenue	Lawton	OK	73501	21,665
Housing Authority of the City of Muskogee.	220 North 40th Street	Muskogee	OK	74401	31,020
Housing Authority of the City of Ponca City.	201 East Broadway	Ponca City	OK	74601	25,786
Housing Authority of the City of Shawnee, OK.	601 West 7th Street	Shawne	OK	74802–3427	40,650
Housing Authority of the City of Stillwater.	807 South Lowry	Stillwater	OK	74074	38,180
Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74148–0369	2,512
Housing and Community Services Agency of Lane County.	177 Day Island Road	Eugene	OR	97401	63,000

Recipient	Address	City	State	Zip	Amount
Housing Authority & Urban Renewal Agency of Polk County dba West Valley Housing Authority.	P.O. Box 467 204 Southwest Walnut Avenue.	Dallas	OR	97338–0467	13,833
Housing Authority of Jackson County	2251 Table Rock Road	Medford	OR	97501	19,998
Housing Authority of Portland	135 Southwest Ash Street	Portland	OR	97204	62,525
Housing Authority of the City of Salem	P.O. Box 808	Salem	OR	97308–0808	59,262
The Housing Authority of the County of Umatilla.	P.O. Box 107 155 Southwest 10th Street.	Hermiston	OR	97838	12,601
Allegheny County Housing Authority	625 Stanwix Street 12th Floor	Pittsburgh	PA	15222	61,812
Bethleham Housing Authority	645 Main Street	Bethleham	PA	18018	21,430
Housing Authority of Northumberland County.	50 Mahoning Street	Milton	PA	17847	45,418
Housing Authority of the City of York	P.O. Box 1963 31 South Broad Street	York	PA	17405	38,559
Philadelphia Housing Authority	12 South 23rd Street	Philadelphia	PA	19103	63,000
The Housing Authority of Cumberland County.	114 North Hanover Street	Carlisle	PA	17013	13,334
Westmoreland County Housing Authority.	R.D. #6 Box 223 South Greengate Road.	Greensburg	PA	15601	37,246
Providence Housing Authority	100 Broad Street	Providence	RI	02903	55,333
The Housing Authority of the City of Pawtucket.	214 Roosevelt Avenue	Pawtucket	RI	02860	23,302
Woonsocket Housing Authority	679 Social Street	Woonsocket	RI	02895	45,248
Housing Authority of the City of Columbia, South Carolina.	1917 Harden Street	Columbia	SC	29204–1015	29,203
The Housing Authority of the City of Greenville, South Carolina.	511 Augusta Street	Greenville	SC	29603	16,045
The Housing Authority of the City of Spartanburg, South Carolina.	325 South Church Street P.O. Box 2828.	Spartanburg	SC	29304	47,250
Crossville Housing Authority	67 Irwin Avenue P.O. Box 425	Crossville	TN	38555	50,450
Jackson Housing Authority—JHA	125 Preston Street	Jackson	TN	38301	82,868
Metropolitan Development and Housing Agency.	P.O. Box 846	Nashville	TN	37202	56,277
Beaumont Housing Authority	4925 Concord	Beaumont	TX	77708	26,710
Housing Authority of the City of Austin (HACA).	1640 East 2nd Street	Austin	TX	78702	46,713
Housing Authority of the City of Waco	P.O. Box 978 4400 Cobbs Drive	Waco	TX	76703–0978	21,349
The Housing Authority of the City of Dallas, Texas.	3939 North Hampton Road	Dallas	TX	75212	62,270
The Housing Authority of the City of San Antonio.	818 South Flores Street	San Antonio	TX	78204	279,161
Housing Authority of Salt Lake City	1776 South West Temple	Salt Lake City	UT	84115	54,903
Housing Authority of the County of Salt Lake.	3595 South Main Street	Salt Lake City	UT	84115	52,212
Norfolk Redevelopment and Housing Authority.	910 Ballentine Boulevard	Norfolk	VA	23504	39,183
Richmond Redevelopment and Housing Authority.	P.O. Box 26887 901 Chamberlayne Parkway.	Richmond	VA	23261	63,000
Roanoke Redevelopment and Housing Authority.	2624 Salem Turnpike Northwest	Roanoke	VA	24017	60,339
Housing Authority of the City of Tacoma.	902 South L Street	Tacoma	WA	98405	51,552
King County Housing Authority	600 Andover Park West	Tukwila	WA	98188	3,676
Seattle Housing Authority	P.O. Box 19028 120 Sixth Avenue North.	Seattle	WA	98109–1028	60,421
Housing Authority of the City of Milwaukee.	809 North Broadway	Milwaukee	WI	53202	63,000
Housing Authority of the City of Charleston.	911 Michael Avenue P.O. Box 86	Charleston	WV	25312	40,370
Parkersburg Housing Authority	1901 Cameron Avenue	Parkersburg	WV	26101	33,405
Wheeling Housing Authority	P.O. Box 2089	Wheeling	WV	26003	42,198
ROSS Homeownership Supportive Services					
Housing Authority of the City of Oakland.	1619 Harrison Street	Oakland	CA	94612–3307	500,000
Housing Authority of the County of Cook.	310 South Michigan Avenue—Suite 1500.	Chicago	IL	60604	250,000
Quincy Housing Authority	80 Clay Street	Quincy	MA	02170	250,000
Housing Authority of the City of Camden.	1300 Admiral Wilson Boulevard	Camden	NJ	08102	350,000
Memphis Housing Authority	700 Adams Avenue	Memphis	TN	38105	265,009
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	250,000

Recipient	Address	City	State	Zip	Amount
Housing Authority of the City of Milwaukee.	809 North Broadway	Milwaukee	WI	53202	350,000
ROSS Resident Service Delivery Models—Elderly					
Lutheran Social Ministry of the Southwest.	5049 East Broadway Boulevard, Suite 102.	Tuscon	AZ	85711	375,000
Housing Authority of the County of Los Angeles.	2 Coral Circle	Los Angeles	CA	91755	400,000
Housing Authority of the City of New Haven.	360 Orange Street	New Haven	CT	06511	300,000
Meriden Housing Authority	22 Church Street	New Haven	CT	06451	300,000
Housing and Community Development Corporation of Hawaii.	677 Queen Street, Suite 300	Honolulu	HI	96813	400,000
Housing Authority of Hopkinsville	P.O. Box 437 400 North Elm Street	Christian	KY	42241–0437	65,000
Housing Authority of Maysville	600 Clark Street	Mason	KY	41056	200,000
Holyoke Housing Authority	475 Maple Street	Hampden	MA	01040	300,000
Housing Authority of the City of Camden.	1300 Admiral Wilson Boulevard	Camden	NJ	08102	300,000
Cohoes Housing Authority	100 Manor Sites	Albany	NY	12047	109,158
Newark Housing Authority	P.O. Box 108 200 Driving Park Circle	Wayne	NY	14513–0108	101,350
Village of Great Neck Housing Authority.	700 Middle Neck Road	Nassau	NY	11023–1242	160,855
Housing Authority of the City of Shawnee, Oklahoma.	P.O. Box 3427 601 West 7th Street	Pottawatomie	OK	74802–3427	200,000
Hazleton Housing Authority	320 West Mine Street	Luzerne	PA	18201	100,000
Housing Auhtority of Luzerne County	250 First Avenue	Luzerne	PA	18704	300,000
Friends of Housing Corporation	9141 West Libson Avenue	Milwaukee	WI	53222	375,000
Resident Service Delivery Models—Family					
City of Glendale Community Housing Division.	6842 North 61st Avenue	Glendale	AZ	85301	250,000
City of Tucson	P.O. Box 27210 310 North Commerce Park Loop.	Tucson	AZ	85726–7210	350,000
Housing Authority of the County of San Bernardino.	715 East Brier Drive	San Bernardino.	CA	92408–2841	350,000
Housing Authority of the County of San Diego.	3989 Ruffin Road	San Diego	CA	92123	250,000
San Diego Housing Commission	1625 Newton Avenue	San Diego	CA	92113–1038	350,000
The Housing Authority of the County of Los Angeles.	2 Coral Circle	Monterey Park.	CA	91755	350,000
Housing Authority of the City of Pueblo	1414 North Santa Fe Avenue, 10th Floor.	Pueblo	CO	81008	350,000
Lakewood Housing Authority	480 South Allison Parkway	Lakewood	CO	80226	150,000
Housing Authority of the City of New Haven.	360 Orange Street	New Haven	CT	6511	350,000
Housing Authority of the City of Norwalk.	24½ Monroe Street	Norwalk	CT	06856–0508	250,000
Fort Pierce Housing Authority	707 North 7th Street	Fort Pierce	FL	34950	250,000
Housing Authority of Brevard County	615 Kurek Court	Merritt Island	FL	32953	249,884
Housing Authority of the City of Fort Myers.	4224 Michigan Avenue	Fort Myers	FL	33916	250,000
The Housing Authority of the City of Bradenton, Florida.	1307 6th Street West	Bradenton	FL	34205	250,000
Housing Authority of Columbus, Georgia.	P.O. Box 630	Columbus	GA	31902–0630	349,985
Housing Authority of the City of Cordele, Georgia.	401 South Tenth Street	Cordele	GA	31015	250,000
Housing Authority of Paducah	2330 Ohio Street	Paducah	KY	42003	250,000
Housing Authority of the City of Monroe.	300 Harrison Street	Monroe	LA	71201	350,000
Quincy Housing Authority	80 Clay Street	Quincy	MA	2170	250,000
Housing Authority of the City of Frederick.	209 Madison Street	Frederick	MD	21701	250,000
Housing Authority of the City of Brewer	One Colonial Circle	Brewer	ME	4412	250,000
Presque Isle Housing Authority	58 Birch Street	Presque Isle	ME	4769	250,000
Housing Authority of St Louis County	8865 Natural Bridge	Saint Louis	MO	63121	250,000
City of Hickory Public Housing Authority.	P.O. Box 2927	Hickory	NC	28603	250,000
Town of Chapel Hill Housing Department.	317 Caldwell Street	Chapel Hill	NC	27516	248,240
Nashua Housing Authority	40 East Pearl Street	Nashua	NH	03060–3462	203,330

Recipient	Address	City	State	Zip	Amount
Housing Authority of the City of Camden.	1300 Admiral Wilson Boulevard	Camden	NJ	8102	350,000
Housing Authority of the City of Paterson.	60 Van Houten Street	Paterson	NJ	7505	250,000
Northern Pueblos Housing Authority	5 West Gutierrez, Suite 10	Santa Fe	NM	87506	175,670
Housing Authority of the City of Reno	1525 East 9th Street	Reno	NV	89512–3012	250,000
Zanesville Metropolitan Housing Authority.	407 Pershing Road	Zanesville	OH	43701	250,000
Housing Authority of the City of Tulsa	P.O. Box 6369 415 East Independence Street.	Tulsa	OK	74148–0369	349,841
Oklahoma City Housing Authority	1700 Northeast Fourth Street	Oklahoma City.	OK	73117	350,000
Housing Authority of Portland	135 South West Ash Street	Portland	OR	97204	349,993
Housing Authority of the City of York	P.O. Box 1963 31 South Broad Street	York	PA	17405	250,000
London Bridge Child Care Center	165/145 Duke Street	East Greenwich.	RI	2818	125,000
Providence Housing Authority	100 Broad Street	Providence	RI	2903	350,000
Woonsocket Housing Authority	679 Social Street	Woonsocket	RI	2895	250,000
Housing Authority of the City of Austin (HACA).	1640 East 2nd Street	Austin	TX	78702	349,379
Housing Authority of the City of El Paso (HACEP).	5300 Paisano Drive	El Paso	TX	79905	500,000
Housing Authority of the City of Fort Worth.	1201 East 13th Street	Fort Worth	TX	76102	350,000
Temple Housing Authority	P.O. Box 1326	Temple	TX	76503–1326	85,022
The Housing Authority of the City of Dallas, Texas.	3939 North Hampton Road	Dallas	TX	75212	500,000
The Housing Authority of the City of Texarkana, Texas.	1611 North Robison Road	Texarkana	TX	75501	250,000
City of Roanoke Redevelopment & Housing Authority.	2624 Salem Turnpike, NW	Roanoke	VA	24017	350,000
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	250,000
Norfolk Redevelopment and Housing Authority.	201 Granby Street	Norfolk	VA	23504	500,000
Pleasant View Tenant Association, Inc.	101 Pleasant View Avenue	Danville	VA	24541	125,000
Housing Authority of the City of Bremerton.	P.O. Box 4460 110 Russell Road	Bremerton	WA	98312	250,000
Housing Authority of the City of Tacoma.	902 South L. Street	PieTacoma	WA	98405	350,000
Housing Authority of the County of Clallam.	2603 South Francis Street	Port Angeles	WA	98362	248,532
Kitsap County Consolidated Housing Authority.	9307 Bayshore Drive, Northwest	Silverdale	WA	98383	250,000
Seattle Housing Authority	120 Sixth Avenue North	Seattle	WA	98109–1028	350,000
YWCA of Seattle-King County-Snohomish County.	1118—Senaca	Seattle	WA	98101	125,000
Housing Authority of the City of Milwaukee.	809 North Broadway	Milwaukee	WI	53202	350,000
Neighborhood Networks					
Housing Authority of the City of Oakland.	1619 Harrison Street	Oakland	CA	94612–3307	500,000
Housing Authority of the County of Cook.	310 South Michigan Avenue, Suite 1500.	Chicago	IL	60604	250,000
Quincy Housing Authority	80 Clay Street	Quincy	MA	2170	250,000
Housing Authority of the City of Camden.	1300 Admiral Wilson Boulevard	Camden	NJ	8102	350,000
Memphis Housing Authority	700 Adams Avenue	Memphis	TN	38105	265,009
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	24541	250,000
Housing Authority of the City of Milwaukee.	809 North Broadway	Milwaukee	WI	53202	350,000

[FR Doc. E8–1455 Filed 1–25–08; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5100–FA–04]

Announcement of Funding Awards for the Housing Opportunities for Persons with AIDS (HOPWA) Program Fiscal Year 2007

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

ACTION: Notice of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces 31 grant awards totaling $32,123,248 from the Department's FY2007 Housing Opportunities for Persons With AIDS (HOPWA) program. The notice announces the selection of 27 permanent supportive housing renewal grants and 4 new Permanent supportive housing demonstration grants. This notice makes available the names of the award recipients and grant amounts.

FOR FURTHER INFORMATION CONTACT: David Vos, Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7212, Washington, DC 20410, telephone (202) 708–1934. To provide service for persons who are hearing-or-speech-impaired, this number may be reached via TTY by dialing the Federal Information Relay Service on (800) 877–TTY, (800) 877–8339, or (202) 708–2565. (Telephone number, other than ''800'' TTY numbers are not toll free.). Information on HOPWA, community development and consolidated planning, and other HUD programs may also be obtained from the HUD Home Page on the World Wide Web. In addition to this competitive selection, 120 jurisdictions received formula based allocations during the 2007 fiscal year for $256.1 million in HOPWA funds. Descriptions of the formula programs may be obtained at *http://www.hud.gov.*

SUPPLEMENTARY INFORMATION: The FY2007 SuperNOFA (Notice of Funding Availability) for HUD's Discretionary Grant Programs was published in the **Federal Register** on March 13, 2007 (72 FR 11661). The NOFA announced the availability of approximately $28.4 million in HOPWA competitive grant funding.

The purpose of the HOPWA NOFA announcement was to solicit applications for two types of HOPWA competitive grants: (1) Awards for new long-term projects for permanent supporting housing and transitional housing projects from states and units of local government and balance of state areas not eligible for HOPWA formula funding; and (2) awards for new Special Projects of National Significance (SPNS) demonstration grants. As in FY2006, the procedure for expiring permanent supportive housing grants that are eligible for renewal was established in a separate Notice entitled, ''Standards for Fiscal Year 2007 HOPWA Permanent Supportive Housing Renewal Grant Applications.'' The HOPWA assistance made available in the announcement is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), as amended by the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and was appropriated by the HUD Appropriations Act for 2007. The competition was announced in a NOFA published in the **Federal Register** March 13, 2007 (72 FR 11661). Each application was reviewed and rated on the basis of selection criteria published in the NOFA.

Public Benefit: The award of HOPWA funds to the 27 renewal and 4 new project awards contribute towards HUD's mission in providing housing support that results in the provision of safe, decent, and affordable housing for persons living with HIV/AIDS and their families who are at risk of homelessness. The selected projects will provide housing assistance to an estimated 2,200 units/households for low-income persons living with HIV/AIDS and their families. The 31 grant awards total $32,123,248 and the selected grant applicants have reported the commitment of approximately $41.8 million in leveraging of other Federal, State, local, or private resources to provide additional supportive services for project beneficiaries.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the details of these funding grant announcements in Appendices A and B.

Dated: January 18, 2008.

Nelson R Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

APPENDIX A.—FISCAL YEAR 2007 FUNDING AWARDS FOR HOPWA PERMANENT SUPPORTIVE HOUSING RENEWAL GRANTS

Recipient	Location	Amount
AIDS Alabama	Birmingham, AL	$879,963
Pima County	Tucson, AZ	1,268,844
City of San Jose	San Jose, CA	1,226,500
San Francisco Redevelopment Agency	San Francisco, CA	1,419,000
Housing Services Affiliate-Bernal Heights Neighborhood Center	San Francisco, CA	508,420
Del Norte Neighborhood Development Corp.	Denver, CO	612,379
Delaware HIV Consortium	Wilmington, DE	749,291
City of Key West	Key West, FL	1,424,500
City of Savannah, Daniel-Flagg Villas	Savannah, GA	269,278
City of Savannah, Project House Call	Savannah, GA	685,696
Cornerstone Services, Inc.	Joliet, IL	926,251
Kentucky Housing Corporation	Frankfort, KY	434,160
Unity for the Homeless	New Orleans, LA	804,912
Action, Inc.	Gloucester, MA	1,292,869
Justice Resource Institute	Boston, MA	1,338,283
Health Care for Homeless, Inc.	Baltimore, MD	1,260,460
Clare Housing	Minneapolis, MN	421,029
Nebraska Health and Human Services	Lincoln, NE	1,414,728
New Jersey Department of Health & Senior Services	Trenton, NJ	1,235,300
Santa Fe Community Housing Trust	Santa Fe, NM	1,314,280

APPENDIX A.—FISCAL YEAR 2007 FUNDING AWARDS FOR HOPWA PERMANENT SUPPORTIVE HOUSING RENEWAL GRANTS—Continued

Recipient	Location	Amount
The Fortune Society	New York, NY	1,136,465
Church Avenue Merchants Block Association, Inc.	Brooklyn, NY	1,339,000
Our House of Portland	Portland, OR	1,037,013
Rhode Island Housing Mortgage Finance Corporation (Sunrise Project)	Providence, RI	1,240,606
Rhode Island Housing Mortgage Finance Corporation (New Transitions)	Providence, RI	741,355
AIDS Resource Center of Wisconsin	Milwaukee, WI	1,339,000
West Virginia Office of Economic Opportunity	Charleston, WV	960,499
Total		27,280,081

APPENDIX B.—FISCAL YEAR 2007 FUNDING AWARDS FOR NEW HOPWA SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE AND LONG TERM HOUSING GRANTS

Recipient	Location	Amount
Health Services Center, Inc.	Anniston, AL	$861,224
Broward House, Inc.	Ft. Lauderdale, FL	1,339,000
AIDS Foundation of Chicago	Chicago, IL	1,419,762
Oregon State Department of Human Services	Portland, OR	1,223,181
Total		4,843,167

Grand Total: $32,123,248.

[FR Doc. E8–1427 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5030-FA–07]

Announcement of Funding Awards for the Youthbuild Program; Fiscal Year 2006

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

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Youthbuild Program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Jackie L. Williams, Ph.D., Director, Office of Rural Housing and Economic Development, Office of Community Planning and Development, 451 Seventh Street, SW., Room 7137, Washington, DC 20410–7000; telephone (202) 708–2290 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at 1–800–877–8339. For general information on this and other HUD programs, call Community Connections at 1–800–998–9999 or visit the HUD Web site at *http://www.hud.gov.*

SUPPLEMENTARY INFORMATION: The Youthbuild Program was authorized under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as added by section 164 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, 106 Stat. 3723, 42 USC. 12899). Applications were rated and selected for funding on the basis of selection criteria contained in the notice.

The Catalog of Federal Domestic Assistance number for this program is 14.243. The purpose of the Youthbuild Program is to assist disadvantaged young adults between the ages of 16 and 24 years of age in distressed communities to: (1) Complete their high school education; (2) provide on-site construction training experiences which result in the rehabilitation or construction of housing for homeless persons and low- and very low-income families; (3) foster leadership skills; (4) further opportunities for placement in apprenticeship programs; and (5) promote economic self-sufficiency for program participants. The funds made available under this program were awarded competitively, through a selection process conducted by HUD.

For the Fiscal Year 2006 competition, a total of $45.5 million was awarded to 74 projects nationwide. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987. 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix A to this document.

Dated: January 17, 2008.

Nelson R. Bregón,

General Deputy Assistant Secretary.

APPENDIX A

FISCAL YEAR 2006 YOUTHBUILD AWARDS

Recipient	City	State	Award
Hale Empowerment and Revitalization Oganization	Greensboro	AL	$400,000
City of Texarkana	Texarkana	AR	400,000
City of Phoenix	Phoenix	AZ	700,000
San Diego Community Housing Corporation	San Diego	CA	400,000
Watts Labor Community Action Committee	Los Angeles	CA	700,000

FISCAL YEAR 2006 YOUTHBUILD AWARDS—Continued

Recipient	City	State	Award
Black Contractors Association of San Diego	San Diego	CA	700,000
Fresno County Economic Opportunities Commission	Fresno	CA	700,000
Community Services & Employment Training Inc.	Visalia	CA	700,000
Los Angeles Communities Advocating for Unity, Social Justice	Los Angeles	CA	700,000
San Joaquin County Office of Education	Stockton	CA	400,000
Yuba County Office of Education	Marysville	CA	360,000
Empower New Haven	New Haven	CT	400,000
Co-Opportunity, Inc.	Hartford	CT	700,000
ARCH	Washington	DC	700,000
Nat'l Assoc. of Former Foster Care Children of America, Inc.	Washington	DC	700,000
Latin American Youth Center	Washington	DC	700,000
Sasha Bruce Youthwork, Inc.	Washington	DC	700,000
Greater Miami Services Corps	Miami	FL	400,000
The District Board of Trustees of Pensacola Junior College	Pensacola	FL	400,000
Housing Authority of Lakeland	Lakeland	FL	700,000
City of Savannah, Georgia	Savannah	GA	700,000
Southwest Georgia United Empowerment Zone, Inc.	Vienna	GA	400,000
Genesis Housing Development Corp	Chicago	IL	700,000
Youthbuild Lake County, Inc.	North Chicago	IL	700,000
Emerson Park Development Corporation	East St. Louis	IL	700,000
YouthBuild McLean County	Bloomington	IL	700,000
Comprehensive Community Solutions, Inc.	Rockford	IL	700,000
New Life Youth Development Corporation	Gary	IN	400,000
The Housing Authority of the city of Evansville	Evansville	IN	700,000
Louisiana Technical College—Sullivan Campus	Bogalusa	LA	400,000
Old Colony	Brockton	MA	700,000
Community Teamwork, Inc.	Lowell	MA	700,000
Lawrence Family Development and Education Fund, Inc.	Lawrence	MA	700,000
YWCA of Western Massachusetts	Springfield	MA	700,000
Just a Start Corporation	Cambridge	MA	700,000
Old Colony Youthbuild	Brockton	MA	700,000
Training Resources of America Inc.	Worcester	MA	700,000
YouthBuild Boston, Inc.	Roxbury	MA	700,000
Civic Works, Inc.	Baltimore	MD	700,000
Housing Authority of Baltimore City	Baltimore	MD	700,000
Coastal Enterprises, Inc.	Wiscasset	ME	400,000
Community Action Agency	Jackson	MI	400,000
Manistee Housing Commission	Manistee	MI	400,000
Michigan Works	Benton Harbor	MI	700,000
Young Detroit Builders	Detroit	MI	700,000
Friedens Neighborhood	St. Louis	MO	400,000
Housing Authority of St. Louis County	St. Louis	MO	700,000
West Jackson Community Development Corporation	Jackson	MS	700,000
River City Community Development Corporation	Elizabeth City	NC	400,000
Lincoln Action Program	Lincoln	NE	700,000
High Plains Community Development Corporation, Inc.	Chadron	NE	400,000
Youthbuild Newark, Inc	Newark	NJ	700,000
Housing Authority Of The City Of Camden	Camden	NJ	700,000
South Bronx Overall Economic Development Corporation	Bronx	NY	700,000
Buckeye Community Hope Foundation	Columbia	OH	700,000
Akron Summit Community Action Inc.	Akron	OH	700,000
Future Community Builders	Columbus	OH	700,000
ISUS Inc.	Dayton	OH	700,000
Youth Over Us, Inc.	Columbus	OH	700,000
Philadelphia Youth for Change	Philadelphia	PA	700,000
The Providence Plan	Providence	RI	700,000
The Housing Authority for the City Spartanburg	Spartanburg	SC	700,000
Benedict-Allen Community Development Corporation	Columbia	SC	700,000
Chattanooga Housing	Chattanooga	TN	700,000
Alliance for Business and Training	Elizabethton	TN	700,000
La Fe Community Development Center	El Paso	TX	400,000
San Antonio Youth Centers, Inc.	San Antonio	TX	700,000
Alameda Heights Outreach Foundation	Dallas	TX	700,000
American Youthworks	Austin	TX	700,000
Community Development Corporation of Brownsville	Brownsville	TX	400,000
Employment Resources Incorporated (ERI)	Fredericksburg	VA	700,000
Nooksack Indian Tribe	Deming	WA	400,000
Southern Appalachian Labor School	Kincaid	WV	700,000
Human Resources Development and Employment, Inc.	Morgantown	WV	400,000

[FR Doc. E8–1428 Filed 1–25–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Wind Turbine Guidelines Advisory Committee; Announcement of Public Workshop on Wind Turbine-Wildlife Interactions and Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public workshop and meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), will conduct a workshop on February 26–27, 2008, to provide background information on issues related to land-based wind energy facilities and their potential impact to wildlife and wildlife habitat. We will also host the first meeting of the Wind Turbine Guidelines Advisory Committee (Committee), on February 28, 2008. Both the workshop and the meeting are open to the public.

DATES: The workshop will take place February 26–27, 2008. The meeting will take place on February 28, 2008.

ADDRESSES: South Interior Auditorium, South Interior Building, 1951 Constitution Avenue, NW., Washington, DC, 20240. For more information, see ''Public Workshop and Meeting Location Information'' under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Rachel London, Division of Habitat and Resource Conservation, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358–2161.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 2007, the Department of the Interior (Interior) published a notice of establishment of the Committee and call for nominations in the **Federal Register** (72 FR 11373). The Committee's purpose is to provide advice and recommendations to the Secretary of the Interior (Secretary) on developing effective measures to avoid or minimize impacts to wildlife and their habitats related to land-based wind energy facilities. The Committee is expected to exist for 2 years. Its continuation is subject to biennial renewal. The Committee will meet approximately four times per year. All Committee members serve without compensation. In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), a copy of the Committee's charter has been filed with the Committee Management Secretariat, General Services Administration; Committee on Environment and Public Works, U.S. Senate; Committee on Natural Resources, U.S. House of Representatives; and the Library of Congress.

The Secretary appointed 22 individuals to the Committee on October 24, 2007, representing the varied interests associated with wind energy development and its potential impacts to wildlife species and their habitats.

Public Workshop and Meeting Location Information

We will hold an open technical workshop preceding the Committee meeting. We intend the workshop to provide background information related to land-based wind energy development and its potential impacts to wildlife species and their habitat. The Committee will convene its first meeting following the workshop. The public will have an opportunity to comment at the technical workshop and all Committee meetings.

Please note that the South Main Interior auditorium is accessible to wheelchair users. If you require additional accommodations, please notify us by February 12, 2008.

All persons planning to attend the meeting will be required to present photo identification when entering the building. Because of building security in the Department of the Interior, we recommend that persons planning to attend the workshop and/or meeting register at *http://www.fws.gov/habitatconservation/windpower/wind_turbine_advisory_committee.html* by February 12, 2008, to allow us sufficient time to provide the building security staff with a list of persons planning to attend. You may still attend if you register after February 12, 2008; however, you will need to allow extra time to undergo security clearance before you can enter the auditorium. While this workshop is open to the public, seating is limited due to room capacity. We will give preference to registrants based on date and time of registration. There will be standing room available if seats are filled.

David J. Stout,

Wind Turbine Guidelines Advisory Committee Designated Federal Officer.

[FR Doc. E8–1407 Filed 1–25–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

[Docket No. MMS–2008–OMM–0007]

MMS Information Collection Activity: 1010–0141 (30 CFR 250, Subpart D) Oil and Gas Drilling Operations, Revision of a Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of an information collection (1010–0141).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under 30 CFR 250, Subpart D, ''Oil and Gas Drilling Operations,'' and forms MMS–123, MMS–123S, MMS–124, MMS–125, MMS–133 and MMS–133S.

DATES: Submit written comments by March 28, 2008.

ADDRESSES: You may submit comments by any either of the following methods listed below.

- Electronically: go to *http://www.regulations.gov*, select ''Minerals Management Service'' from the agency drop-down menu, then click ''submit.'' In the Docket ID column, select MMS–2008–OMM–0007 to submit public comments and to view supporting and related materials available. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link. All comments submitted will be published and posted to the docket after the closing period.
- Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ''Information Collection 1010–0141'' in your comments.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations and the forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, subpart D, Oil and Gas Drilling Operations.

Form(s): MMS–123, MMS–123S, MMS–124, MMS–125, MMS–133 and MMS–133S.

OMB Control Number: 1010–0141.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 1332(6) states that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.'' This authority and responsibility are among those delegated to MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas and sulphur operations in the OCS. This notice pertains to the information collection requirements of subpart D and the MMS forms that are used to submit information required.

The MMS OCS Regions use the information collected to ensure that requirements are carried out for oil and gas drilling operations; that operators are required to take necessary precautions to keep wells under control at all times using the best available and safest drilling technology to monitor and evaluate well conditions; and that operators must use and maintain equipment and materials necessary to ensure the safety and protection of personnel, equipment, natural resources, and the environment.

In addition, MMS also issues various Notices to Lessees and Operators (NTLs) to clarify and provide additional guidance on some aspect of the regulations, as well as various forms to capture the data and information.

The following explains how we use the information collected on each form.

• *Form MMS–123, Application for Permit to Drill and Form MMS–123S, Supplemental APD Information Sheet (Casing Design):* The MMS uses the information from these forms to determine the conditions of a drilling site to avoid hazards inherent in drilling operations.

• *Form MMS–124, Application for Permit to Modify:* The MMS uses the information on this form to evaluate the adequacy of the equipment, materials, and/or procedures that the lessee plans to use during well drilling, completion, workover, and production operations.

• *Form MMS–125, End of Operations Report:* The MMS uses this information to ensure that they have accurate and up-to-date data and information on wells and leasehold activities under their jurisdiction and to ensure compliance with approved plans and any conditions placed upon a suspension or temporary prohibition.

• *Form MMS–133, Well Activity Report and Form MMS–133S, Open Hole Data Report (Supplement to the Well Activity Report):* The MMS uses this information to monitor the conditions of a well and status of drilling operations.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited use,'' and 30 CFR part 252, ''OCS Oil and Gas Information Program.'' No items of a sensitive nature are collected. Responses are required to obtain or retain a benefit and/or mandatory.

Frequency: On occasion, weekly, monthly, semi-annually, annually, and varies by section.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas lessees or their representatives.

Estimated Reporting and Recordkeeping ''Hour'' Burden: The currently approved annual reporting burden for the collections of subpart D and associated forms is 163,954 hours combined. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart D and NTL(s)	Reporting and recordkeeping requirement	Hour burden Fee
402(b)	Request approval to use blind or blind-shear ram or pipe rams and inside BOP	0.25
403	Notify MMS of drilling rig movement on or off drilling location	0.1
	In Gulf of Mexico OCS Region, rig movements reported on form MMS–144—burden covered under 1010–0150.	
404	Perform operational check of crown block safety device; record results (weekly)	0.25
408, 409	Apply for use of alternative procedures and/or departures not requested in MMS forms (including discussions with MMS or oral approvals).	5
408, 409; 410–418, plus various other references in subpart D.	Apply for permit to drill, revised permit to drill, and requests for various approvals required in subpart D (including §§ 250.423, 424, 427, 432, 442(c), 447, 448(b), 451(g), 456(a)(3), (f), 460, 490(c)(1), (2)) and obtained via forms MMS–123 (Application for Permit to Drill) and MMS–123S (Supplemental APD Information Sheet), and supporting information and notices to MMS.	MMS–123 2.5+* $1,850 Fee. MMS–123S 1.5+*
410(b), 417(b)	Reference to Exploration Plan, Development and Production Plan, Development Operations Coordination Document (30 CFR 250, subpart B)—burden covered under 1010–0151.	0
417(a), (b)	Collect and report additional information on case-by-case basis if sufficient information is not available.	4
417(c)	Submit 3rd party review of drilling unit according to 30 CFR 250, subpart I—burden covered under 1010–0149.	0
418(e)	Submit welding and burning plan according to 30 CFR 250, subpart A—burden covered under 1010–0114.	0
421; 423; 428	Submit casing and cementing program and revisions or changes	2

Citation 30 CFR 250 subpart D and NTL(s)	Reporting and recordkeeping requirement	Hour burden Fee
424	Caliper, pressure test, or evaluate casing; submit evaluation results; request approval before resuming operations or beginning repairs (every 30 days during prolonged drilling).	4
426	Perform pressure test on all casing strings and drilling liner lap; record results	2
427(a)	Perform pressure-integrity tests and related hole-behavior observations; record results.	4
434; 467	Perform diverter tests when installed and once every 7 days; actuate system at least once every 24-hour period; record results (average 2 per drilling operation).	2
450; 467	Perform BOP pressure tests, actuations and inspections when installed; at a minimum every 14 days; as stated for components; record results.	10
450, 467	Function test annulars and rams; document results every 7 days between BOP tests (biweekly). Note: this test is part of BOP test when BOP test is conducted.	0.5
451(c)	Record reason for postponing BOP test (on occasion—approx. 2/year)	0.25
456(b), (i); 458(b)	Record each drilling fluid circulation; test drilling fluid, record results; record daily inventory of drilling fluid/materials; test and recalibrate gas detectors; record results (on occasion, daily, weekly, quarterly).	2
456(c), (f)	Perform various calculations; post information (on occasion, daily, weekly)	0.5
459(a)(3)	Request exception to procedure for protecting negative pressure area	2
460; 465	Submit revised plans, changes, well/drilling records, etc., on forms MMS–124 (Application for Permit to Modify) or MMS–125 (End of Operations Report) and supporting information.	MMS–124 1.5+* $110 Fee. MMS–125 1.6+*
460	Submit plans for well testing and notify MMS before test	2
461(a–b); 466(e); 468(a)	Record and submit well logs, survey results, etc	1.5
	Record and submit directional and vertical-well surveys	1
	Record and submit velocity profiles and surveys	1
	Record and submit core analyses	1
461(e)	Provide copy of well directional survey to affected leaseholder	1
462(a)	Prepare and post well control drill plan for crew members	3
462(c)	Perform well-control drills; record results (2 crews weekly)	1
463(b)	Request field drilling rules be established, amended, or canceled	2.5
466, 467	Retain drilling records for 90 days after drilling is complete; retain casing/liner pressure, diverter, and BOP records for 2 years; retain well completion/well workover until well is permanently plugged/abandoned or lease is assigned.	1.5
468(b); 465(b)(3)	In the GOM OCS Region, submit drilling activity reports weekly on forms MMS–133 (Well Activity Report) and MMS–133S (Bore Hole Data) and supporting information.	0.8+*
468(c)	In the Pacific and Alaska OCS Regions during drilling operations, submit daily drilling reports. N/A in GOM.	1
469	As specified by region, submit well records, paleontological interpretations or reports, service company reports, and other reports or records of operations.	1.5
490(c)(4), (d)	Submit request for reclassification of H_2S zone; notify MMS if conditions change	2
490(f); referred in 418(d) also.	Submit contingency plans for operations in H_2S areas (16 drilling, 5 work-over, 6 production).	25
490(g)	Conduct H_2S training; post safety instructions; document training on occasion and annual refresher (approx. 2/year).	4
490(h)(2)	Conduct weekly drills and safety meetings; document attendance	2
490(i)	Display warning signs—no burden as facilities would display warning signs and use other visual and audible systems.	0
490(j)(7–8)	Test H_2S detection and monitoring sensors during drilling; record testing and calibrations on occasion, daily during drilling (approx. 12 sensors per rig).	4
490(j)(7–8)	Test H_2S detection and monitoring sensors every 14 days during production; record testing and calibrations (approx. 30 sensors/5 platforms + approx. 42 sensors/23 platforms).	3.5
490(j)(12)	Propose alternatives to minimize or eliminate SO_2 hazards—submitted with contingency plans—burden covered under 250.490(f).	0
490(j)(13)(vi)	Label breathing air bottles—no burden as supplier normally labels bottles; facilities would routinely label if not.	0
490(l)	Notify (phone) MMS of unplanned H_2S releases (approx. 2/year)	0.2
490(o)(5)	Request approval to use drill pipe for well testing	2
490(q)(1)	Seal and mark for the presence of H_2S cores to be transported—no burden as facilities would routinely mark transported cores.	0
490(q)(9)	Request approval to use gas containing H_2S for instrument gas	2
490(q)(12)	Analyze produced water disposed of for H_2S content and submit results to MMS on occasion (approx. weekly).	2.8
400–490	General departure or alternative compliance requests not specifically covered elsewhere in subpart D.	2

* The hour burdens are an average of the estimate due to the fact that a percentage of the submittals are reported electronically, which in some cases takes less time than the percentage of the submittals that are reported in paper form.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified two non-hour cost burdens for this collection. When respondents submit an Application for Permit to Drill (Form MMS–123), they submit a $1,850 fee for initial applications only (there is no fee for revisions); and when respondents submit an Application for Permit to Modify (Form MMS–124), they submit a $110 fee. There are no other ''non-hour cost'' burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedure: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208–7744.

Dated: January 16, 2008.

E.P. Danenberger,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. E8–1350 Filed 1–25–08; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Draft Environmental Impact Statement and General Management Plan; San Juan Island National Historical Park, San Juan County, WA; Notice of Availability

Summary: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), and the Council on Environmental Quality Regulations (40 CFR Part 1500–1508), the National Park Service, Department of the Interior, has prepared a draft environmental impact statement (DEIS) for the proposed General Management Plan (GMP) for San Juan Island National Historical Park located in San Juan County, Washington. This DEIS describes and analyzes three GMP alternatives that respond to both NPS planning requirements and to the public's concerns and issues, identified during the scoping and early public involvement process. Each alternative presents management strategies for resource protection and preservation, education and interpretation, visitor use and facilities, land protection and boundaries, and long-term operations and management of the park. The potential environmental consequences of all the alternatives, and mitigation strategies, are identified and analyzed in the DEIS. In addition to a baseline ''no-action'' alternative, an ''environmentally preferred'' alternative is identified.

Background: A Notice of Intent formally initiating the conservation planning and environmental impact analysis effort necessary for updating the general management plan was published in the **Federal Register** on February 5, 2003. The National Park Service (NPS) organized an interdisciplinary planning team consisting of staff at San Juan Island National Historical Park and the NPS Pacific West Regional Office in Seattle, Washington to identify preliminary issues to be addressed in updating the GMP. The last GMP was prepared in 1979. The official public scoping process began in March 2003 when the NPS produced and distributed an initial newsletter announcing the start of the planning process and soliciting feedback on issues to be addressed in the plan. The newsletter was mailed to the park's 216 person mailing list, and also posted on the park's website. In addition, 4,000 copies of the newsletter were inserted into The Journal of the San Juan Islands newspaper, which reaches approximately 3,000 island residents and approximately 1,000 residents off-island. An additional 2,500 copies were distributed to area libraries, civic buildings, business, churches, museums, universities, communities, dignitaries and elected officials.

Three public workshops were held in April 2003, with two in Friday Harbor, Washington, and one in Seattle, Washington. Presentations about the mission of the NPS and purpose and significance of San Juan Island national Historical Park were followed by small group work sessions that allowed people to present and discuss issues, experiences, and ideas for the park. Approximately thirty-nine people attended the San Juan Island workshops, and an additional four participated in the Seattle workshop. Eighteen written responses were also collected during the scoping period.

A second newsletter was produced in November 2003 summarizing the comments received, written and oral, during the scoping period. The comments covered a broad range of issues, concerns, personal experiences, and recommendations for the park. When compiled, over 224 different comments or ideas were represented. The comments can be broadly organized in the following topics: Resource preservation and management; visitor experience and services; park facilities, operations, management and maintenance, and park administration

and planning. Though many new actions and ideas were suggested by the public during this comment period, no new issues were identified.

Proposed Plan and Alternatives: Alternative A constitutes the ''baseline'' No Action Alternative and assumes a continuation of existing management and trends at San Juan Island National Historical Park. The primary emphasis would continue to be placed on protection and preservation of cultural resources. Since 1966, the park has been listed in the National Register of Historic Places and is a National Historic Landmark. Management of cultural landscapes around the immediate encampment areas at American Camp and English Camp would continue to emphasize cultural landscape management while respecting the natural environment and natural processes. No new construction would be authorized.

Alternative B would increase visitor opportunities and outreach at both English Camp and American Camp, as well as in the town of Friday Harbor, through additional visitor facilities, recreational opportunities, programs, and services. Natural and cultural resources interpretation would be enhanced through more extensive facilities and programs. Off-island interpretation would be enhanced through partnerships. The park would propose boundary adjustments at both camps to include important natural and cultural resources related to the purpose of the park.

At English Camp, the road system would be reconfigured as a one-way loop road by connecting a road segment approximately one-fifth mile long from the entrance road to the administrative road. The road would follow the existing historic road alignment where possible. The Crook house would be rehabilitated as a visitor contact facility on the ground floor and for administrative use on the second floor.

At American Camp, the 1979 double-wide trailer that serves as the temporary visitor center at American Camp would be removed, the site restored to natural conditions, and a new enlarged visitor center would be constructed north of the redoubt. The new visitor center would include space for a collections study room for natural and cultural resource items, including a portion of the military-era collections. The existing road to the redoubt off Pickett's Lane would be removed and converted to a trail. The cultural landscapes would be enhanced to aid visitor understanding and interpretation through a variety of techniques. The prairie would be restored to native plant species.

Alternative C is the NPS Preferred Alternative and would broaden the scope of resource management and interpretation programs to emphasize the connections and interrelationships between the park's natural and cultural resources. New facilities, trails and programs would provide opportunities for visitors to understand the importance of the park's natural resources in defining the cultural landscapes and influencing the settlement and historic events of San Juan Island.

At English Camp, the Crook house would be retained, stabilized, and used as an exterior exhibit while the hospital would be rehabilitated and opened to the public for interpretation. The 1979 double-wide trailer that serves as the temporary visitor center at American Camp would be removed and replaced with a permanent, enlarged visitor center at the existing site, allowing for improved exhibits and staff space. A collections study room for natural and cultural resource items, including a portion of the military-era collections would be relocated to the park.

Additional buildings would be open to the public for interpretation as well as research and academic study. As in *Alternative B*, the existing road to the redoubt would be removed and converted to a trail and the prairie would be restored to native plant species. Historic buildings from the encampment period still existing on the island would be repatriated back to their original locations within the camps. Off-island interpretation would be enhanced through partnerships. The park would propose boundary adjustments at both camps to include important natural and cultural resources related to the purpose of the park. As documented in the DEIS, *Alternative C* is deemed to be the ''environmentally preferred'' alternative.

Public Review and Comment: The DEIS/GMP is now available for public review. All written comments must be postmarked or transmitted not later than 60 days from the date of publication in the **Federal Register** of the EPA's notice of filing of the EIS; as soon as this date is confirmed, it will be announced on the project website and via local and regional media. During the review period, several options are available for providing written comments: (1) Online via an electronic comment form provided on the NPS Planning, Environment and Public Comment System at *http://parkplanning.nps.gov/sajh*; (2) A postage-paid comment response form is included in the Draft General Management Plan Alternatives Newsletter; additional pages may be attached to this form as necessary; (3) Written letters can also be directly mailed to: Superintendent, San Juan Island National Historical Park, 650 Mullis Street, Suite 100, Friday Harbor, Washington 98250. In addition, comments may be made in person at one of the upcoming public workshops that the NPS will conduct in mid-February 2008. Confirmed details on dates, locations and times for these workshops will be announced in local newspapers, in the Draft General Management Plan Alternatives Newsletter, online at the above Web site, or may be obtained via telephone at (360) 378–2240. A limited number of printed copies of the Draft EIS/GMP can be obtained at the address noted above. In addition, the document is available for review at the public library in Friday Harbor, Washington.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Decision: Following the opportunity to review the DEIS/GMP, all comments received will be carefully considered in preparing the final document. This document is anticipated to be completed during the fall of 2008 and its availability will be similarly announced in the **Federal Register** and via local and regional press media. As a delegated EIS, the official responsible for the final decision is the Regional Director, Pacific West Region; subsequently the official responsible for implementation would be the Superintendent, San Juan Island National Historical Park.

Dated: October 12, 2007.

Cynthia Ip,

Acting Regional Director, Pacific West Region.

[FR Doc. 08–327 Filed 1–25–08; 8:45 am]

BILLING CODE 4310–MS–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Meetings for the National Park Service (NPS) Subsistence Resource Commission (SRC) Program Within the Alaska Region

AGENCY: National Park Service, Interior.

SUMMARY: The NPS announces the SRC meeting schedule for the following

areas: Aniakchak National Monument, Cape Krusenstern National Monument, Denali National Park, Kobuk Valley National Park, Gates of the Arctic National Park, Lake Clark National Park, and Wrangell-St. Elias National Park. The purpose of each meeting is to develop and continue work on NPS subsistence hunting program recommendations and other related subsistence management issues. Each meeting is open to the public and will have time allocated for public testimony. The public is welcomed to present written or oral comments to the SRC. Each meeting will be recorded and meeting minutes will be available upon request from each Superintendent for public inspection approximately six weeks after each meeting. The NPS SRC program is authorized under Title VIII, Section 808 of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act.

Dates: The Lake Clark National Park SRC meeting will be held on Tuesday, February 12, 2008, from 1 p.m. to 5 p.m., Alaska Standard Time.

Location: Lake Clark National Park and Preserve Visitor Center, Port Alsworth, AK.

FOR FURTHER INFORMATION CONTACT: Ken Adkisson, Subsistence Manager, telephone (907) 443–2522, or Willie Goodwin, Subsistence Manager, and George Helfrich, Superintendent, telephone: (907) 442–3890, at Western Arctic Parklands, P.O. Box 1029, Kotzebue, AK 99752.

Date: The Kobuk Valley National Park SRC meeting will be held on Wednesday, February 27, 2008, from 9 a.m. to 5 p.m., Alaska Standard Time.

Location: U.S. Fish and Wildlife Service Office, Conference Room, Kotzebue, AK.

FOR FURTHER INFORMATION CONTACT: Ken Adkisson, Subsistence Manager, telephone (907) 443–2522, or Willie Goodwin, Subsistence Manager, and George Helfrich, Superintendent, telephone: (907) 442–3890, at Western Arctic Parklands, P.O. Box 1029, Kotzebue, AK 99752

Date: The Gates of the Arctic National Park SRC meeting will be held on Wednesday, February 27, 2008, from 9 a.m. to 5 p.m., Alaska Standard Time.

Location: Sophie Station Hotel, 1717 University Ave. Fairbanks, AK, telephone (907) 479–3650.

FOR FURTHER INFORMATION CONTACT: Dave Krupa, Subsistence Manager, or Greg Dudgeon, Superintendent, telephone: (907) 457–5752, at Gates of the Arctic National Park and Preserve, 4175 Geist Road, Fairbanks, AK 99709.

Date: The Wrangell-St. Elias National Park SRC meeting will be held on Tuesday, March 25, 2008 and Wednesday, March 26, 2008, from 9 a.m. to 5 p.m., Alaska Standard Time.

Location: Mentasta Lake—Katie John School, 6 Mile Main Village Road in Mentasta Lake, AK, telephone (907) 291–2327.

FOR FURTHER INFORMATION CONTACT: Barbara Cellarius, Subsistence Manager, telephone: (907) 822–7236, or Meg Jensen, Superintendent, telephone: (907) 822–5234, at Wrangell-St. Elias National Park and Preserve, P.O. Box 439, Copper Center, AK 99573.

SUPPLMENTARY INFORMATION: SRC meeting locations and dates may need to be changed based on weather or local circumstances. If meeting dates and locations are changed notice of each meeting will be published in local newspapers and announced on local radio stations prior to the meeting dates. The meetings may end early if all business is completed.

The agendas for each meeting include the following:

1. Call to order (SRC Chair).
2. SRC Roll Call and Confirmation of Quorum.
3. SRC Chair and Superintendent's Welcome and Introductions.
4. Review and Approve Agenda.
5. Status of SRC Membership.
6. Election of Chair and Vice Chair (New charter requires annual elections).
7. SRC Member Reports.
8. Superintendent and NPS Staff Reports.
9. Federal Subsistence Board Update (Review Proposals, Board Actions).
10. State of Alaska Board Actions Update.
11. New Business.

A. Collection of shed horns and antlers on NPS lands and their use as handicrafts.

B. Status Report: Gates of the Arctic National Park SRC Hunting Plan Recommendation #20.

12. Agency and Public Comments.
13. SRC Work Session.
14. Set time and place of next SRC meeting.

Adjournment.

Dated: December 13, 2007.

Judith C. Gottlieb,

Associate Regional Director, Subsistence and Partnerships.

[FR Doc. 08–336 Filed 1–25–08; 8:45 am]

BILLING CODE 4312–HE–M

DEPARTMENT OF THE INTERIOR
National Park Service

Flight 93 National Memorial Advisory Commission; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service, Flight 93 Advisory Commission.

ACTION: Notice of public meeting.

SUMMARY: Notice is given that a meeting of the Flight 93 Advisory Commission (the Commission) will be held on Saturday, February 2, 2008 from 10 a.m. to 1 p.m. (Eastern). The Commission will meet jointly with the Flight 93 Memorial Task Force. The joint meeting will be held at the Somerset County Courthouse, Courtroom #1; 2nd floor, 111 East Union Street, Somerset, Pennsylvania, 15501.

The agenda of the meeting will include review and approval of Commission minutes from October 7, 2007; reports from the Flight 93 Memorial Task Force and National Park Service; old business; and new business.

The meeting will be open to the public. Comments from the public will be taken at the end of the meeting. Any person may file with a Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting, or who want further information concerning the meeting may contact Superintendent Joanne Hanley at 814.443.4557. Address all statements to: Flight 93 Advisory Commission, 109 West Main Street, Somerset, PA 15501.

DATES: February 2, 2008 at 10 a.m.

ADDRESSES: Somerset County Courthouse, Courtroom #1; 2nd floor; 111 East Union Street, Somerset, Pennsylvania, 15501.

FOR FURTHER INFORMATION CONTACT: Superintendent Joanne M. Hanley, 814.443.4557.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 107–226 to advise the Secretary of the Interior on the planning, design, construction and long-term management of a permanent memorial at the crash site of Flight 93.

Dated: December 14, 2007.

Joanne M. Hanley,

Superintendent, Flight 93 National Memorial.

[FR Doc. 08–339 Filed 1–25–08: 8:45 am]

BILLING CODE 4312–25–M

DEPARTMENT OF THE INTERIOR

National Park Service

Golden Gate National Recreation Area; Notice of Public Open Houses for Calendar Year 2008

Notice is hereby given that public Open Houses of the Golden Gate national Recreation Area (GGNRA) will be scheduled in calendar year 2008 to distribute information and provide public involvement on issues related to management of the GGNRA. These Open Houses are scheduled for the following dates in San Francisco and at locations yet to be determined in San Mateo County and Marin County, California:

Tuesday, February 26, 4 p.m.	Marin County, CA location (TBA).
Tuesday, May 20, 4 p.m.	Park Headquarters, Fort Mason, San Francisco, CA.
Tuesday, September 16, 4 p.m.	Pacifica, CA location (TBA).
Tuesday, November 18, 4 p.m.	Park Headquarters, Fort Mason, San Francisco, CA.

All Open Houses will start at 4 p.m. Information confirming the time and location of all public meetings or cancellations of any meetings can be received by calling the Office of the Public Affairs at (415) 561–4733. Public Open House agendas and all documents for public scoping and public comment on issues listed below can be found on the park Web site at *http://www.nps.gov/goga.*

Anticipated possible agenda items at meetings during calendar year 2008 include:

- Wetland and Creek Restoration Project at Big Lagoon, Muir Beach.
- Marin Headlands—Fort Baker Transportation Management Plan.
- General Management Plan—Golden Gate National Recreation Area.
- Extension of San Francisco Municipal Railway's Historic Streetcar EIS.
- Dog Management Plan for GGNRA.
- Dias Ridge Trail Rehabilitation and Trail Improvement Project.
- Southern Marin Equestrian Plan.
- Doyle Drive—South Access to the Golden Gate Bridge.
- The San Francisco Bay Trail at Fort Mason.
- The Upper Fort Mason entry at Bay & Franklin Streets.
- Long Range Transportation Plan.
- Headlands Institute Improvements and Expansion Plan.
- USCG Lighthouses Transfer Update.
- Alcatraz Cruises Implementation and Alcatraz Bird Management Updates.

Specific final agendas for these meetings will be made available to the public at least 15 days prior to each meeting and can be received by contacting the Office of the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123 or by calling (415) 561–4733. They are also noticed on the Golden Gate National Recreation Area Web site *nps.gov/goga* under the section ''Public Meetings''.

All Open Houses are open to the public. Sign language interpreters are available by request at least one week prior to a meeting. The TDD phone number for these requests is (415) 556–2766. For copies of the agendas contact the Office of the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123, or call (415) 561–4733.

Dated: December 13, 2007.

Brian O'Neill,

General Superintendent, Golden Gate National Recreation Area.

[FR Doc. 08–332 Filed 1–15–08; 8:45 am]

BILLING CODE 4312–FN–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Memorial Advisory Commission; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the National Capital Memorial Advisory Commission (the Commission) will be held on Tuesday, February 26, 2008, at 1:30 p.m., at the National Building Museum, Room 312, 401 F Street, NW., Washington, DC.

The purpose of the meeting will be to discuss currently authorized and proposed memorials in the District of Columbia and its environs. In addition to discussing general matters and conducting routine business, the Commission will review the status of legislative proposals introduced in the 110th Congress to establish memorials in the District of Columbia and its environs, as follows:

Action Items

(1) Legislation currently under consideration by the 110th Congress.

(a) H.R. 3707, a bill to authorize the establishment of a memorial to all victims of terrorism.

(b) H.R. 3935, to extend the time limit of the authority of the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, and for other purposes.

(2) Alternative Sites Study, Memorial to Victims of Ukraine Famine Genocide.

Informational Items

Status of Legislation under consideration in the 110th Congress.

Other Business

(1) General matters and routine business.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Ms. Nancy Young, Secretary to the Commission.

DATES: Tuesday, February 26, 2008.

ADDRESSES: National Building Museum, Room 312, 401 F Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Young, Secretary to the Commission, by telephone at (202) 619–7097, by e-mail at *nancy_young@nps.gov,* by telefax at (202) 619–7420, or by mail at the National Capital Memorial Advisory Commission, 1100 Ohio Drive, SW., Room 220, Washington, DC 20242.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 99–652, the Commemorative Works Act (40 U.S.C. Chapter 89 *et seq.*), to advise the Secretary of the Interior (the Secretary) and the Administrator, General Services Administration (the Administrator), on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorials in Washington, DC, and its environs.

The members of the Commission are as follows:

Director, National Park Service
Administrator, General Services Administration

Chairman, National Capital Planning Commission
Chairman, Commission of Fine Arts
Mayor of the District of Columbia
Architect of the Capitol
Chairman, American Battle Monuments Commission
Secretary of Defense

Dated: December 14, 2007.

Joseph M. Lawler,

Regional Director, National Capital Region.

[FR Doc. E8–1387 Filed 1–25–08; 8:45 am]

BILLING CODE 4312–JK–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on December 18, 2007, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 3A Media Co., Ltd., Seoul, REPUBLIC OF KOREA; Ascent Media Group, LLC, Santa Monica, CA; Digital Networks North America, Inc., Cupertino, CA; and Ritek Corporation, Hsin chu, TAIWAN have been added as parties to this venture.

Also, 2GeeksinaLab, Inc., Palmdale, CA; Conexant Systems, Inc., San Diego, CA; D-Link Systems, Inc., Fountain Valley, CA, DigiOn, Inc., Fukuoka, JAPAN; Dyntec Disc Production Co., Ltd., Nakhon Pathom, THAILAND; Futic Electronics Ltd., Chai Wan, HONG KONG-CHINA; Harbour Team Technologies Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Media READY, Inc., Fort Lauderdale, FL; OptiDisk Corporation, Anaheim, CA; OVK Optics Technology Co., Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Shenzhen Mizuda AV Co., Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; and Zhongshan Worthy Electronics Industry Co., Ltd., Guangdong, PEOPLE'S REPUBLIC OF CHINA have withdrawn as parties to this venture

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001 , DVD CCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on September 13, 2007. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 7, 2007 (72 FR 62865).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 08–345 Filed 1–25–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open SystemC Initiative

Notice is hereby given that, on December 11, 2007, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open SystemC Initiative (''OSCI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CISC Semiconductor Design + Consulting GmbH, Klagenfurt, AUSTRIA; and Ecole Polytechnique Federale de Lausanne, Lausanne, SWITZERLAND have been added as parties to this venture. Also, Celoxica, Ltd., Oxford, UNITED KINGDOM; Denali Software, Inc., Palo Alto, CA; Freescale Semiconductor, Inc., Herzalia, ISRAEL; SpiraTech Ltd., Manchester, UNITED KINGDOM; and Tenison Technology EDA Ltd., Cambridge, UNITED KINGDOM have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OSCI intends to file additional written notifications disclosing all changes in membership.

On October 9, 2001, OSCI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 3, 2002 (67 FR 350).

The last notification was filed with the Department on June 21, 2007. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 11, 2007 (72 FR 51839).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 08–344 Filed 1–25–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

January 23, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *king.darrin@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: Katherine Astrich, OMB Desk Officer for the Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Type of Review: Extension without change of a currently approved collection.

Title: Petition for Classifying Labor Surplus Areas.

OMB Control Number: 1205–0207.

Form Number: None.

Affected Public: State Governments.

Estimated Number of Respondents: 1.

Estimated Total Annual Burden Hours: 3.

Estimated Total Annual Costs Burden: $0.

Description: Under Executive Orders 12073 and 10582, and DOL's regulations at 20 CFR parts 651 and 654, the Secretary of Labor is required to classify Labor Surplus Areas (LSAs) and disseminate this information for the use of all Federal agencies. This information is used by Federal agencies as well as State and Local governments for various purposes including procurement decisions, food stamp waiver decisions, certain small business loan decisions, as well as other purposes determined by the agencies.

DOL's regulations specify that the Department can add areas to the annual LSA listing under the exceptional circumstance criteria. Such additions are based upon information contained in petitions submitted by the State Workforce Agencies (SWAs) to DOL. These petitions contain specific economic information about an area in order to provide ample justification for adding the area to the LSA listing under the exceptional circumstances criteria. For additional information, see related notice published at 72 FR 58899 on October 17, 2007.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E8–1417 Filed 1–25–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[SGA/DFA–PY 05–05]

Solicitation for Grant Applications (SGA); Indian and Native American Employment and Training Program SGA

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice: Second Amendment to SGA/DFA–PY–05–05.

SUMMARY: The Employment and Training Administration published a document in the **Federal Register** on January 4, 2008, announcing the availability of funds and solicitation for grant applications (SGA) for the Indians, Alaska Natives and Native Hawaiians under section 166 of the Workforce Investment Act (WIA) for Program Years (PY) 2008 and 2009. This notice is a second amendment to the SGA and it amends ''Announcement Type'' to correct the Funding Opportunity Number.

FOR FURTHER INFORMATION CONTACT: James Stockton, Grant Officer, Division of Federal Assistance, at (202) 693–3335.

Supplementary Information Correction: In the **Federal Register** of January 4, 2008, in FR Doc. E7–25608. On the first page (883) under the heading, ''Announcement Type,'' ''Reference Funding Opportunity Number: SGA/DFA–PY–05–05'' is amended to read, ''SGA/DFA PY–07–04.

Effective Date: This notice is effective January 28, 2008.

Signed at Washington, DC, this 22nd day of January, 2008.

James W. Stockton,

Grant Officer.

[FR Doc. E8–1372 Filed 1–25–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.; Application Expansion of Recognition; Voluntary Termination of Entela, Inc., Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the application of Intertek Testing Services NA, Inc., (ITSNA) for expansion of its recognition and presents the Agency's preliminary finding to grant this request. This preliminary finding does not constitute an interim or temporary approval of this application. This notice also announces the voluntary termination of recognition of Entela, Inc. (ENT), which was purchased by ITSNA's parent company and is now affiliated with ITSNA.

DATES: You must submit information or comments, or any request for extension of the time to comment, by the following dates:

• Hard copy: postmarked or sent by February 12, 2008.

• Electronic transmission or facsimile: sent by February 12, 2008.

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

Electronically: You may submit comments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online 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 or courier service: You must submit three copies of your comments to the OSHA Docket Office, Docket No. OSHA–2007–0039 (formerly NRTL1–89), 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., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA Docket No. OSHA–2007–0039; formerly NRTL1–89). Submissions, including any personal information you provide, are placed in the public docket without change and may be made available online at *http://www.regulations.gov.*

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 Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Extension of Comment Period: Submit requests for extensions concerning this

notice to the Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–3655, Washington, DC 20210. Or, fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–3655, Washington, DC 20210, or phone (202) 693–2110. Our Web page includes information about the NRTL Program (see *http://www.osha.gov* and select ''N'' in the site index).

SUPPLEMENTARY INFORMATION:

Notice of Expansion Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Intertek Testing Services NA, Inc., (ITSNA) has applied for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL). ITSNA's expansion request covers the use of additional test standards. OSHA's current scope of recognition for ITSNA may be found in the following informational Web page: *http://www.osha.gov/dts/otpca/nrtl/its.html.*

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

The most recent application processed by OSHA specifically related to the recognition of ITSNA granted an expansion of recognition, and the final notice for this expansion was published on November 4, 2003 (see 68 FR 62479). OSHA, however, issued a notice modifying the scope of a number of NRTLs to replace or delete withdrawn test standards (see 70 FR 11273, March 8, 2005). ITSNA was one of those NRTLs.

The current addresses of the ITSNA facilities (sites) already recognized by OSHA are:

ITSNA, Inc., 3933 U.S. Route 11, Cortland, New York 13045;
ITSNA, Inc., 1950 Evergreen Boulevard, Duluth, Georgia 30096;
ITSNA, Inc., 1365 Adams Court, Menlo Park, California 94025;
ITSNA, Inc., 70 Codman Hill Road, Boxborough, Massachusetts 01719;
ITSNA, Inc., 27611 LaPaz Road, Suite C, Laguna Niguel, California 92677;
ITSNA, Inc., 8431 Murphy Drive, Middleton, Wisconsin 53562;
ITSNA, Inc., 7250 Hudson Blvd., Suite 100, Oakdale, Minnesota 55128;
ITSNA, Inc., 40 Commerce Way, Unit B, Totowa, New Jersey 07512;
ITSNA, Inc., 731 Enterprise Drive, Lexington, Kentucky 40510;
ITSNA Ltd., 1500 Brigantine Drive, Coquitlam, British Columbia V3K 7C1, Canada;
ITS Hong Kong Ltd., 2/F., Garment Centre, 576 Castle Peak Road, Kowloon, Hong Kong;
ITS Taiwan Ltd., 5F, No. 423, Ruiguang Rd., Neihu District, Taipei City 114, Taiwan R.O.C.; and
ITSNA Sweden AB, Box 1103, S–164 #22, Kista, Stockholm, Sweden.

General Background on the Expansion Application

ITSNA has submitted an application, dated August 25, 2005, for renewal and expansion of its recognition (see Exhibit 48–1). OSHA is still processing ITSNA's renewal, but, based upon discussions with the NRTL, the expansion is being treated separately. For the expansion, ITSNA requested the addition of 56 test standards to its scope; however, one of these standards is already included in ITSNA's scope and another has been withdrawn by the standards developing organization. The NRTL Program staff has determined that the remaining 54 standards are ''appropriate test standards.'' Therefore, OSHA would approve 54 test standards for the expansion. In connection with the expansion, OSHA staff performed an on-site visit of the NRTL's Cortland site (its headquarters facility) in May 2006. Based on this visit, the staff recommends expansion of the ITSNA recognition to include the 54 test standards (see Exhibit 48–4). ITSNA seeks expansion of its recognition for testing and certification of products for demonstration of conformance to the following test standards:

UL 5B Strut-Type Channel Raceways and Fittings.
UL 10A Tin-Clad Fire Doors.
UL 30 Metal Safety Cans.
UL 38 Manual Signaling Boxes for Fire Alarm Systems.
UL 51 Power-Operated Pumps for Anhydrous Ammonia and LP-Gas.
UL 58 Steel Underground Tanks for Flammable and Combustible Liquids.
UL 80 Steel Tanks for Oil-Burner Fuels and Other Combustible Liquids.
UL 92 Fire Extinguisher and Booster Hose.
UL 125 Valves for Anhydrous Ammonia and LP-Gas (Other Than Safety Relief).
UL 132 Safety Relief Valves for Anhydrous Ammonia and LP-Gas.
UL 144 LP-Gas Regulators.
UL 193 Alarm Valves for Fire-Protection Service.
UL 194 Gasketed Joints for Ductile-Iron Pipe and Fittings for Fire Protection Service.
UL 252 Compressed Gas Regulators.
UL 268 Smoke Detectors for Fire Alarm Signaling Systems.
UL 268A Smoke Detectors for Duct Application.
UL 346 Waterflow Indicators for Fire Protective Signaling Systems.
UL 404 Gauges, Indicating Pressure, for Compressed Gas Service.
UL 441 Gas Vents.
UL 452 Antenna—Discharge Units.
UL 486D Sealed Wire Connector Systems.
UL 495 Power-Operated Dispensing Devices for LP-Gas.
UL 515 Electrical Resistance Heat Tracing for Commercial and Industrial Applications.
UL 521 Heat Detectors for Fire Protective Signaling Systems.
UL 539 Single and Multiple Station Heat Alarms.
UL 555S Smoke Dampers.
UL 568 Nonmetallic Cable Tray Systems.
UL 681 Installation and Classification of Burglar and Holdup Alarm Systems.
UL 943B Appliance Leakage-Current Interrupters.
UL 985 Household Fire Warning System Units.
UL 1053 Ground-Fault Sensing and Relaying Equipment.

UL 1058 Halogenated Agent Extinguishing System Units.
UL 1062 Unit Substations.
UL 1093 Halogenated Agent Fire Extinguishers.
UL 1254 Pre-Engineered Dry Chemical Extinguishing System Units.
UL 1322 Fabricated Scaffold Planks and Stages.
UL 1412 Fusing Resistors and Temperature-Limited Resistors for Radio- and Television-Type Appliances.
UL 1468 Direct Acting Pressure Reducing and Pressure Restricting Valves.
UL 1681 Wiring Device Configurations.
UL 1730 Smoke Detector Monitors and Accessories for Individual Living Units of Multifamily Residences and Hotel/Motel Rooms.
UL 2085 Protected Aboveground Tanks for Flammable and Combustible Liquids.
UL 2129 Halocarbon Clean Agent Fire Extinguishers.
UL 2388 Flexible Lighting Products.
UL 60335–2–8 Household and Similar Electrical Appliances, Part 2: Particular Requirements for Shavers, Hair Clippers, and Similar Appliances.
UL 60947–1 Low-Voltage Switchgear and Controlgear—Part 1: General Rules*.
UL 60947–7–1 Low-Voltage Switchgear and Controlgear—Part 7–1: Ancillary Equipment—Terminal Blocks for Copper Conductors*.
UL 60947–7–2 Low-Voltage Switchgear and Controlgear—Part 7–2: Ancillary Equipment—Protective Conductor Terminal Blocks for Copper Conductors*.
UL 60947–7–3 Low-Voltage Switchgear and Controlgear—Part 7–3: Ancillary Equipment—Safety Requirements for Fuse Terminal Blocks*.
UL 61010A–2–010 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for the Heating of Materials.
UL 61010A–2–041 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves Using Steam for the Treatment of Medical Materials and for Laboratory Processes.
UL 61010A–2–042 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves and Sterilizers Using Toxic Gas for the Treatment of Medical Materials, and for Laboratory Processes.
UL 61010A–2–051 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Mixing and Stirring.
UL 61010A–2–061 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Atomic Spectrometers with Thermal Atomization and Ionization.
UL 61010B–2–031 Electrical Equipment for Measurement, Control, and Laboratory Use; Part 2: Particular Requirements for Hand-Held Probe Assemblies for Electrical Measurement and Test.
* See section below titled Addition of New Test Standards.

The designations and titles of the above test standards were current at the time of the preparation of this notice.

OSHA's recognition of ITSNA, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

A test standard listed above may be approved as an American National Standard by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

Addition of New Test Standards

The series UL 60947 test standards listed above are new to the NRTL Program and are considered by the NRTL Program staff to be comparable to UL 1558 and the related standards ANSI C37.20.1 and ANSI C37.51, which are referenced in UL 1558 and used in conjunction with that standard. Upon publication of the final notice for this expansion, OSHA would add the above UL 60947 test standards to the scope of recognition of any NRTL currently recognized for UL 1558, ANSI C37.20.1, and ANSI C37.51. This action is consistent with the OSHA NRTL Program policy permitting NRTLs to request or OSHA to provide recognition for comparable test standards (*i.e.*, other appropriate test standards covering comparable product testing) in situations when a standard has been replaced or withdrawn by the standards developing organization.

Preliminary Finding

ITSNA has submitted an acceptable request for expansion of its recognition as an NRTL. Our review of the application file, the assessor's memo, and other pertinent documents indicate that ITSNA can meet the requirements, as prescribed by 29 CFR 1910.7, for the expansion to include the 54 additional test standards. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether ITSNA has met the requirements of 29 CFR 1910.7 for the expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is not adequately justified. You may obtain or review copies of the ITSNA request, the on-site review report, other pertinent documents, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. Docket No. OSHA–2007–0039 (formerly NRTL1–89) contains all materials in the record concerning the ITSNA application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant the ITSNA expansion request. The Assistant Secretary will make the final decision on granting this request and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR section 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Notice of Voluntary Termination of Recognition of Entela, Inc.

Entela, Inc., (ENT) was recognized by OSHA as an NRTL on July 26, 1994 (see 59 FR 37997). The Agency renewed ENT's recognition on July 3, 2001, for a period of five years ending July 3, 2006 (see 66 FR 35278). However, on May 12, 2004 (see Exhibit 48–2), ENT provided notification of its acquisition by the

parent company of ITSNA. In a February 10, 2006, letter (see Exhibit 48–3), ITSNA requested that OSHA terminate the recognition of ENT. OSHA has accepted this request, and ENT is no longer recognized as an NRTL. Section II.D of Appendix A to 29 CFR 1910.7 provides that the Agency shall publish a **Federal Register** notice to note the voluntary termination of a recognition, and OSHA is doing so in this notice. OSHA shall not take any further action on this matter.

In its February 2006 letter, ITSNA also included a request pertaining to the Entela mark, which now appears along with other marks on OSHA's Web page of typical registered certification marks used by each NRTL. ITSNA provided documentation showing its exclusive right to use the Entela mark and requested the mark be shown as one used by ITSNA for its NRTL approvals. OSHA will modify its Web page accordingly.

Signed at Washington, DC, this 22nd day of January, 2008.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E8–1382 Filed 1–25–08; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice and Request for Comments—LSC Elimination of Hawai'i Migrant Service Area

AGENCY: Legal Services Corporation.

ACTION: Notice and Request for Comments—LSC Elimination of Hawai'i Migrant Service Area.

SUMMARY: The Legal Services Corporation will eliminate the Hawai'i migrant service area, MHI, effective April 1, 2008, because any eligible migrant population in Hawai'i can be more effectively and efficiently served through the Hawai'i basic field grant.

DATES: Written comments must be received on or before March 3, 2008.

ADDRESSES: Written comments may be submitted by mail, fax or e-mail to Karen J. Sarjeant, Vice President for Programs and Compliance, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; 202–295–1645 (phone); 202–337–6386 (fax); *ksarjeant@lsc.gov.*

FOR FURTHER INFORMATION CONTACT: Karen J. Sarjeant, Vice President for Programs and Compliance, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; 202–295–1645 (phone); 202–337–6386 (fax); *ksarjeant@lsc.gov.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation's (LSC) mission is to promote equal access to justice in our Nation and to provide for high-quality civil legal assistance to low-income persons. Pursuant to its statutory authority, LSC designates service areas in U.S. States, territories, possessions and the District of Columbia for which it provides grants to legal aid programs to provide free civil legal services, primarily through ''basic field'' grants based on poverty populations. In some regions, LSC designates migrant service areas for grants that are designed to specifically serve the legal needs of eligible migrant populations. The funding for migrant service areas is taken out of the funding for the basic field service areas also covering those populations based on the estimated number of eligible migrants as a portion of the total poverty population.

For many years LSC has designated a migrant service area in Hawai'i. LSC has been told that the eligible migrant population in Hawai'i is not sufficient in numbers to maintain a separate migrant service area. LSC has researched this matter and determined that, based on the available information, it would be more effective and efficient to serve the legal needs of the eligible migrant population in Hawai'i through the basic field grant rather than providing a separate migrant grant.

LSC provides grants through a competitive bidding process, which is regulated by 45 CFR part 1634. In 2007, LSC implemented a competitive grants process for 2008 calendar year funding that included, inter alia, the Hawai'i migrant service area. LSC determines the term of grants after applications have been received. For 2008, LSC awarded a three-month grant for the Hawai'i migrant service area to the Legal Aid Society of Hawai'i (''LASH''), effective January 1, 2008, through March 31, 2008. Through an earlier competitive grants process, LASH is also the recipient of the Hawai'i basic field grant, awarded for calendar years 2007 through 2009.

LSC intends to eliminate the Hawai'i migrant service area beginning April 1, 2008. Funding for the eligible migrant population of Hawai'i, which had been deducted from the Hawai'i basic field grant, will be restored to that grant. LSC expects that the recipient of that grant, the Legal Aid Society of Hawai'i, will continue to provide services addressing the special needs of the eligible migrant population as part of its basic field grant, which will be subject to competition again for funding in calendar year 2010.

LSC invites public comment on this decision. Interested parties may submit comments to LSC by March 3, 2008. More information about LSC can be found at LSC's Web site: *http://www.lsc.gov.*

Victor M. Fortuno,

Vice President and General Counsel.

[FR Doc. E8–1434 Filed 1–25–08; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: National Science Foundation—Applicant Survey

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

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 on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by March 28, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton at (703) 292–7556 or

send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''National Science Foundation Applicant Survey''.

OMB Approval Number: 3145–0096.

Expiration Date of Approval: June 30, 2008.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The current National Science Foundation Applicant survey has been in use for several years. Data are collected from applicant pools to examine the racial/sexual/disability composition and to determine the source of information about NSF vacancies.

Use of the Information: Analysis of the applicant pools is necessary to determine if NSF's targeted recruitment efforts are reaching groups that are underrepresented in the Agency's workforce and/or to defend the Foundation's practices in discrimination cases.

Burden on the Public: The Foundation estimates about 4,000 responses annually at 1 minute per response; this computes to approximately 67 hours annually.

Dated: January 22, 2008.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 08–340 Filed 1–25–08; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste and Materials; Meeting on Planning and Procedures; Notice of Meeting

The Advisory Committee on Nuclear Waste and Materials (ACNW&M) will hold a Planning and Procedures meeting on February 12, 2008, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW&M, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Tuesday, February 12, 2008—8:30 a.m.–10 a.m.

The Committee will discuss proposed ACNW&M activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Officer, Dr. Antonio F. Dias (Telephone: 301–415–6805) between 8:15 a.m. and 5 p.m. (ET) 5 days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACNW&M meetings were published in the **Federal Register** on September 26, 2007 (72 FR 54693).

Further information regarding this meeting can be obtained by contacting the Designated Federal Officer between 8:15 a.m. and 5 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least 2 working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: January 22, 2008.

Antonio F. Dias,

Chief, Nuclear Waste & Materials Branch.

[FR Doc. E8–1397 Filed 1–25–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–014 and 52–015]

Tennessee Valley Authority; Acceptance for Docketing of an Application for Combined License for Bellefonte Units 3 and 4

By letter dated October 30, 2007, as supplemented by letters dated November 2, 2007, January 8, 2008, and January 14, 2008, the Tennessee Valley Authority (TVA), submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license (COL) for two AP1000 advanced passive pressurized water reactors in accordance with the requirements contained in 10 CFR 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' These reactors will be identified as Bellefonte Units 3 and 4 and located near the town of Scottsboro in Jackson County, Alabama. A notice of receipt and availability of this application was previously published in the **Federal Register** (72 FR 66200) on November 27, 2007.

The NRC staff has determined that TVA has submitted information in accordance with 10 CFR part 2, ''Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,'' and 10 CFR part 52 that is acceptable for docketing. The docket numbers established for Units 3 and 4 are 52–014, and 52–015, respectively.

The NRC staff will perform a detailed technical review of the application. Docketing of the application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The Commission will conduct a hearing in accordance with Subpart L, ''Informal Hearing Procedures for NRC Adjudications,'' of 10 CFR part 2 and will receive a report on the COL application from the Advisory Committee on Reactor Safeguards in accordance with 10 CFR 52.87, ''Referral to the Advisory Committee on Reactor Safeguards (ACRS).'' If the Commission finds that the COL application meets the applicable standards of the Atomic Energy Act and the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a COL, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

In accordance with 10 CFR part 51, the Commission will also prepare an environmental impact statement for the proposed action. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice.

Finally, the Commission will announce in a future **Federal Register** notice the opportunity to petition for leave to intervene in the hearing required for this application by 10 CFR 52.85.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site *http://www.nrc.gov/reading-rm/adams.html.* The

application is also available at *http://www.nrc.gov/reactors/new-licensing/col.html*. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 18th day of January 2008.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E8–1394 Filed 1–25–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–027; EA–08–023]

In the Matter of: Washington State University (Washington State University TRIGA Reactor); Order Modifying Amended Facility Operating License No. R–76

I.

Washington State University (the licensee) is the holder of Amended Facility Operating License No. R–76 (the license) originally issued on March 6, 1961, by the U.S. Atomic Energy Commission and subsequently renewed on August 11, 1982, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license authorizes operation of the Washington State University TRIGA Reactor (the facility) at a power level up to 1,000 kilowatts thermal and to receive, possess, and use special nuclear material associated with the operation. The facility is a research reactor located on the campus of the Washington State University, in the city of Pullman, Whitman County, Washington. The mailing address is Nuclear Radiation Center, Washington State University, P.O. Box 641300, Pullman, Washington 99164–1300.

II.

Title 10 of the Code of Federal Regulations (10 CFR) section 50.64, limits the use of high-enriched uranium (HEU) fuel in domestic non-power reactors (research and test reactors) (see 51 FR 6514). The regulation, which became effective on March 27, 1986, requires that if Federal Government funding for conversion-related costs is available, each licensee of a non-power reactor authorized to use HEU fuel shall replace it with low-enriched uranium (LEU) fuel acceptable to the Commission unless the Commission has determined that the reactor has a unique purpose. The Commission's stated purpose for these requirements was to reduce, to the maximum extent possible, the use of HEU fuel in order to reduce the risk of theft and diversion of HEU fuel used in non-power reactors.

Paragraphs 50.64(b)(2)(i) and (ii) require that a licensee of a non-power reactor (1) not acquire more HEU fuel if LEU fuel that is acceptable to the Commission for that reactor is available when the licensee proposes to acquire HEU fuel and (2) replace all HEU fuel in its possession with available LEU fuel acceptable to the Commission for that reactor in accordance with a schedule determined pursuant to 10 CFR 50.64(c)(2).

Paragraph 50.64(c)(2)(i) requires, among other things, that each licensee of a non-power reactor authorized to possess and to use HEU fuel develop and submit to the Director of the Office of Nuclear Reactor Regulation (Director) by March 27, 1987, and at 12-month intervals thereafter, a written proposal for meeting the requirements of the rule. The licensee shall include in its proposal a certification that Federal Government funding for conversion is available through the U.S. Department of Energy or other appropriate Federal agency; and a schedule for conversion, based upon availability of replacement fuel acceptable to the Commission for that reactor and upon consideration of other factors such as the availability of shipping casks, implementation of arrangements for available financial support, and reactor usage.

Paragraph 50.64(c)(2)(iii) requires the licensee to include in the proposal, to the extent required to effect conversion, all necessary changes to the license, to the facility, and to licensee procedures. This paragraph also requires the licensee to submit supporting safety analyses in time to meet the conversion schedule.

Paragraph 50.64(c)(2)(iii) also requires the Director to review the licensee proposal, to confirm the status of Federal Government funding, and to determine a final schedule, if the licensee has submitted a schedule for conversion.

Section 50.64(c)(3) requires the Director to review the supporting safety analyses and to issue an appropriate enforcement order directing both the conversion and, to the extent consistent with protection of public health and safety, any necessary changes to the license, the facility, and licensee procedures. In the **Federal Register** notice of the final rule (51 FR 6514), the Commission explained that in most, if not all, cases, the enforcement order would be an order to modify the license under 10 CFR 2.204 (now 10 CFR 2.202).

Section 2.309 states the requirements for a person whose interest may be affected by any proceeding to initiate a hearing or to participate as a party.

III.

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. On August 15, 2007 (ADAMS Accession Nos. ML072410493 and ML080170058), as supplemented on December 14, 2007 (ADAMS Accession No. ML080090628), and January 15, 2008 (ADAMS Accession No. ML080170037), the licensee submitted its conversion proposal. The NRC staff is in the process of reviewing the conversion proposal. The licensee indicated in their conversion proposal that a separate order increasing the uranium-235 possession limit in its license was needed to minimize down time of the reactor during the refueling process. The licensee also stated that there is a constraint on the shipment of LEU fuel because the certification of the shipping cask used to transfer the LEU fuel from the manufacturer in France will expire before the order for reactor conversion can be issued. The receipt and possession, but not use in the reactor, of the LEU fuel is required by the licensee at this time to assemble the fuel elements in order to meet the proposed timely conversion. The LEU fuel contains the uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64, and has determined that the public health and safety and common defense and security require the licensee to receive and possess the LEU fuel prior to the conversion. This is necessary so that LEU fuel can be shipped to the licensee before the shipping cask certification expires and that the LEU fuel elements may be prepared to convert the reactor from HEU fuel in accordance with the schedules planned by the Department of Energy to support U.S. non-proliferation policies and the licensee to support its academic mission.

IV.

Accordingly, pursuant to sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and 10 CFR 50.64, *it is hereby ordered that:*

Amended Facility Operating License No. R–76 is modified by adding the following license condition:

2.B.(4) Pursuant to 10 CFR Part 70, ''Domestic Licensing of Special Nuclear Material,'' to receive and possess, but not use in the reactor, in addition to the amount specified under License Condition 2.B.(2), up to 15.0 kilograms of contained uranium-235 in the form of reactor fuel, at enrichments less than 20 percent.

This Order will be effective 20 days after the date of publication of this Order in the **Federal Register**.

V.

Pursuant to 10 CFR 2.202, any person(s) whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request within 20 days after the date of publication of this Order setting forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which became effective on October 15, 2007. The NRC E-Filing Final Rule was issued on August 28, 2007, (72 FR 49,139) and codified in pertinent part at 10 CFR Part 2, Subpart B. The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate also is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

If a hearing is requested, an Order designating the time and place of any hearing will be issued.

In the absence of any request for hearing, the provisions as specified in Section IV shall be final twenty (20) days after the date of publication of this Order in the **Federal Register**.

In accordance with 10 CFR 51.10(d) this Order is not subject to Section 102(2) of the National Environmental Policy Act, as amended. The NRC staff notes, however, that with respect to environmental impacts associated with the changes imposed by this Order as described in the safety evaluation, the changes would, if imposed by other than an Order, meet the definition of a categorical exclusion in accordance with 10 CFR 51.22(c)(9). Thus, pursuant to either 10 CFR 51.10(d) or 51.22(c)(9), no environmental assessment nor environmental impact statement is required.

Detailed guidance which the NRC uses to review applications from research reactor licensees can be found in the document NUREG–1537, entitled ''Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors,'' which can be obtained from the Commission's PDR. The detailed review guidance (NUREG–1537) may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html* under ADAMS Accession Nos. ML041230055 for Part one and ML041230048 for Part two.

For further information see the application from the licensee dated August 15, 2007 (ADAMS Accession Nos. ML072410493 and ML080170058), as supplemented on December 14, 2007 (ADAMS Accession No. ML080090628) and January 15, 2008 (ADAMS Accession No. ML080170037), the NRC staff's request for additional information (ADAMS Accession No. ML073240018), and the cover letter to the licensee and the staff's safety evaluation dated January 23, 2008 (ADAMS Accession No. ML073550839), available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who have problems in accessing the documents in ADAMS should contact the NRC PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated this 23rd day of January 2008.

For the Nuclear Regulatory Commission.

J.E. Dyer,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. E8–1492 Filed 1–25–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–006]

Westinghouse Electric Company; Acceptance for Docketing of a Design Certification Rule Amendment Request for the AP1000 Design

By letter dated May 26, 2007, as supplemented by letters dated October 26, November 2, December 12, 2007, January 11, and January 14, 2008, Westinghouse Electric Company, Pittsburgh, Pennsylvania, submitted an amendment request to the U.S. Nuclear Regulatory Commission (NRC) to revise AP1000 Design Certification (DC) Rule, filed pursuant to Section 103 of the Atomic Energy Act and Subpart B, ''Standard Design Certifications,'' of Title 10 of the *Code of Federal Regulations* (10 CFR), part 52, ''License Certifications and Approvals for Nuclear Power Plants.'' The reactor design proposed for amendment in the request is the AP1000 design, Revision 15, as referenced in 10 CFR 52, Appendix D, ''Design Certification Rule for the AP1000 Design.''

The NRC staff has determined that Westinghouse has submitted sufficient information in accordance with 10 CFR part 2, ''Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,'' and 10 CFR part 52 such that it is acceptable for docketing. The docket number established for this review is 52–006. Docketing of the amendment request does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the amendment request.

Finally, the Commission will announce in a future **Federal Register** notice the opportunity to comment on the proposed rulemaking.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and will be accessible electronically through the Agencywide Documents Access System (ADAMS) Public Electronic Reading Room link at the NRC Web site *http://www.nrc.gov/reading-rm/adams.html.* The application is also available at *http://www.nrc.gov/reactors/new-licensing/col.html.* Persons who do not have access to ADAMS, or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 18th day of January 2008.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E8–1393 Filed 1–25–08; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

January 29, 2008 Public Hearing

OPIC's Sunshine Act notice of its Annual Public Hearing meeting was published in the **Federal Register** (Volume 73, Number 10, Page 2558) on January 15, 2008. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's annual public hearing scheduled for 2 p.m. on January 29, 2008 has been cancelled.

Contact Person for Information: Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via e-mail at *Connie.Downs@opic.gov.*

Dated: January 24, 2008.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 08–372 Filed 1–24–08; 12:10 pm]

BILLING CODE 3210–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

January 29, 2008 Public Hearing

OPIC's Sunshine Act notice of its Public Hearing in Conjunction with each Board meeting was published in the **Federal Register** (Volume 73, Number 10, Page 2558) on January 15, 2008. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's annual public hearing scheduled for 3 p.m. on January 29, 2008 in conjunction with OPIC's January 31, 2008 Board of Directors meeting has been cancelled.

Contact Person for Information: Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via E-mail at *Connie.Downs@opic.gov.*

Dated: January 24, 2008.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 08–373 Filed 1–24–08; 12:10 pm]

BILLING CODE 3210–01–M

POSTAL SERVICE

Sunshine Act Meeting; Notification of Change in Start Time

PREVIOUS ANNOUNCEMENT: 73 FR 3760, January 22, 2008.

PREVIOUSLY ANNOUNCED DATE OF MEETING: January 30, 2008.

STATUS: Open Meeting.

CHANGE IN MEETING TIME: Change Start time to 8 a.m.

CONTACT PERSON FOR MORE INFORMATION: Wendy A. Hocking, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

Wendy A. Hocking,

Secretary.

[FR Doc. 08–357 Filed 1–23–08; 4:37 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57170; File No. SR–CBOE–2007–96]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Amend the Quarterly Option Series Pilot Program To Permit the Listing of Additional Series

January 18, 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 August 7, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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. On January 17, 2008, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend Rule 5.5(e) (Quarterly Option Series Pilot Program) to permit the Exchange to list strike prices for Quarterly Option Series (''QOS'') in exchange traded fund (''ETF'') options that fall within a percentage range (30%) above and below the price of the underlying ETF. Additionally, upon demonstrated customer interest, the Exchange would also be permitted to open additional strike prices of Quarterly Option Series in ETF options that are more than 30% above or below the current price of the ETF. Market-Makers trading for their own account would not be considered when determining customer interest under this provision. In addition to the initial listed series, the proposal would permit the Exchange to list up to sixty (60) additional series per expiration month for each QOS in ETF options. Further, the proposal includes a delisting program to be undertaken by the Exchange in connection with QOS in ETFs. 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.

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 Exchange proposes to amend Rule 5.5(e) (Quarterly Option Series Pilot Program) to permit the Exchange to list strike prices for QOS in ETF options that fall within a percentage range (30%) above and below the price of the underlying ETF. Additionally, upon demonstrated customer interest, the Exchange would also be permitted to open additional strike prices of Quarterly Option Series in ETF options that are more than 30% above or below the current price of the underlying ETF. Market-Makers trading for their own account would not be considered when determining customer interest under this provision. In addition to the initial listed series, the proposal would permit the Exchange to list up to sixty (60) additional series per expiration month for each QOS in ETF options.

Background

On July 7, 2006, the Exchange filed with the Commission a pilot program proposal to permit the listing and trading of QOS in options on indexes or options on ETFs that satisfy the applicable listing criteria under CBOE rules.[4] QOS trade based on calendar quarters that end in March, June, September and December. The Exchange lists QOS that expire at the end of the next consecutive four calendar quarters, as well as the fourth quarter of the next calendar year. For example, if the Exchange were trading QOS in iShares Russell 2000 Index Fund (''IWM'') in the month of April 2008, it would list series that expire at the end of the second quarter 2008 (June), third quarter 2008 (September), fourth quarter 2008 (December), first quarter 2009 (March), and fourth quarter 2009 (December).

Currently, the Exchange list QOS in five ETF options: (1) Nasdaq-100 Index Tracking Stock (''QQQQ''); (2) IWM; (3) DIAMONDS Trust, Series 1 (''DIA''); (4) Standard and Poor's Depositary Receipts/SPDRs (''SPY''); and (5) Energy Select SPDR (''XLE''). The average daily trading volume and total volume for QOS in IWM options significantly exceeds the volumes for QOS in other ETF options that are listed and traded on the Exchange. The chart below provides trading volume figures for the third quarter in 2007, demonstrating that QOS in IWM options are by far the most popular and heavily traded QOS on the Exchange.

QOS	July 2007		August 2007		September 2007	
	DV	Total vol.	ADV	Total vol.	ADV	Total vol.
IWM	61,383	1,289,047	76,857	1,767,704	78,706	1,495,408
QQQQ	6,355	133,459	7,413	170,488	8,201	155,819
SPY	4,525	95,024	10,490	241,261	15,274	290,212
DIA	2,488	52,251	3,199	73,574	2,553	48,512
XLE	291	6,105	729	16,758	1,176	22,348

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment 1 replaced the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 54123 (July 11, 2006), 71 FR 40558 (July 17, 2006) (SR–CBOE–20065–65) (''Pilot Program Approval Order''). Under the pilot program, the Exchange may list QOS in up to five currently listed option classes that are either options on ETFs or indexes. The Exchange is also permitted to list QOS in any options class that is selected by other securities exchanges that employ a similar pilot program under their respective rules.

Recently, the Exchange has received requests from market participants to add additional strike prices for QOS in IWM options that would be outside of the price range for setting strikes as provided for under Rule 5.5(e)(3) (hereinafter ''+/−$5 range'').[5]

Investors and other market participants have advised the Exchange that they are buying and selling QOS in IWM options to trade volatility. In order to adequately replicate the desired volatility exposure, these market participants need to trade several IWM option series, many having strike prices that fall outside of the +/−$5 range currently allowed under the QOS rules.

In addition, other participants have advised the Exchange that their investment strategies involve trading options tied to a particular option ''delta,''[6] rather than a particular level of the underlying security or index. At issue is the fact that delta depends on both the relative difference between the level of the underlying security or index and the option strike price, and time to expiration. For example, with IWM trading at $85 per share, the strike price corresponding to a ''25-delta'' IWM call (*i.e.*, a call option with a delta of 25) with one month to expiration would be 89. However, the strike price corresponding to a ''25-delta'' IWM call with 3 months to expiration would be 93, and the strike price of a ''25-delta'' call with 1 year to expiration would be 106. In short, CBOE has been advised that the +/−$5 range for QOS in IWM options is insufficient to satisfy customer demand.

Proposed Rule Changes

In order to meet customer demand, the Exchange proposes to amend Rule 5.5(e), which governs the Quarterly Option Series Pilot Program. Specifically, the Exchange proposes to revise Rule 5.5(e) to allow the Exchange to open additional strike prices of QOS in ETF options that are within thirty percent (30%) above or below the closing price of the underlying ETF (or ''Units'' as defined in Rule 5.3.06) on the preceding business day. The Exchange would also be permitted to open additional strike prices of QOS in ETF options that are more than 30% above or below the current price of the underlying ETF, provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers. Market-Makers trading for their own account would not be considered when determining customer interest under this proposed provision. The Exchange would be permitted to list up to sixty (60) additional series per expiration month for each QOS in ETF options.

The Exchange is also proposing to add new paragraph (6) to Rule 5.5, which would set forth a delisting policy. Specifically, with respect to QOS in ETF options, the Exchange would, on a monthly basis, review series that are outside a range of five (5) strikes above and five (5) strikes below the current price of the underlying ETF, and delist series with no open interest in both the put and the call series having a strike price: (i) Higher than the highest strike price with open interest in the put and/or call series for a given expiration month; or (ii) lower than the lowest strike price with open interest in the put and/or call series for a given expiration month.

To illustrate how the proposed delisting program would work, assume that IWM closed at $70 on the day the Exchange conducts the monthly review of QOS in ETF options. Series having strike prices above $75 and below $65 would be reviewed by the Exchange for possible delisting. Assume that the Exchange lists the following QOS in IWM options that expire in June 2008:

Calls—Jun 08 exp		Puts—Jun 08 exp	
Strike	Open interest?	Strike	Open interest?
62	No	62	No.
63	No	63	Yes.
64	Yes	64	Yes.
* *	* *	* *	*
76	Yes	76	Yes.
77	Yes	77	Yes.
78	Yes	78	Yes.
79	Yes	79	Yes.
80	Yes	80	Yes.
81	Yes	81	Yes.
82	Yes	82	Yes.
83	No	83	No.
84	No	84	No.
85	No	85	Yes.
86	Yes	86	No.
87	Yes	87	Yes.
88	Yes	88	Yes.
89	Yes	89	No.
90	Yes	90	No.
91	No	91	No.
92	No	92	No.
93	No	93	No.

The Exchange would delist the series highlighted in grey above: $62, $91, $92, and $93. The Exchange would not delist the $83 and $84 series because there are series having open interest with strike prices higher than these two series. In addition, the Exchange would not delist the $63 call series because there is open interest in the $63 put series.

[5] Rule 5.5(e)(3) provides that the Exchange shall list strike prices for a QOS that are within $5 from the closing price of the underlying on the preceding day.

[6] ''Delta'' is a measure of how an option price will change in response to a $1 price change in the underlying security or index. For example, an ABC option with a delta of ''50'' can be expected to change by $0.50 in response to a $1 change in the price of ABC.

Notwithstanding the proposed delisting policy, customer requests to add strikes and/or maintain strikes in QOS in ETF options in series eligible for delisting shall be granted.

Further, in connection with the proposed delisting policy, if the Exchange identifies series for delisting, the Exchange shall notify other options exchanges with similar delisting policies regarding eligible series for listing, and shall work with such other exchanges to develop a uniform list of series to be delisted, so as to ensure uniform series delisting of multiply listed QOS in ETF options.

It is expected that the proposed delisting policy for QOS in ETF options would be adopted by other options exchanges that have adopted the QOS Pilot Program.

The Exchange represents that it has the necessary systems capacity to support new options series that will result from this proposal. Further, as proposed, the Exchange notes that this rule change would become part of the pilot program and, going forward, would be considered by the Commission when the Exchange seeks to renew or make permanent the pilot program in the future.[7]

2. Statutory Basis

Because the additional new series can be added without presenting capacity problems and because the Exchange has proposed a delisting policy with respect to QOS in ETF options, the Exchange believes the rule proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[8] Specifically, the Exchange believes that the proposed rule change is consistent with the requirements under section 6(b)(5) of the Act[9] 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

[7] To the extent the Commission views the proposed rule change as an expansion of the pilot program, thus triggering the requirement under the terms of the Pilot Program Approval Order that the Exchange submit a pilot program report, the Exchange notes that it submitted a report on June 26, 2007, in connection with its filing to extend the pilot program through July 10, 2008. See Securities Exchange Act Release No. 56035 (July 10, 2007), 72 FR 38851 (July 16, 2007) (SR-CBOE–2007–70).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which CBOE consents, the Commission will:

A. By order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2007–96 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–2007–96. 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 the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–96 and should be submitted on or before February 19, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–1373 Filed 1–25–08; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57176; File No. SR–NYSE–2008–04]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Implement a Four-Month Pilot Program To Offer Liquidity Takers a Reduced Transaction Fee Structure for Certain Bond Trades Executed on the NYSE Bonds[SM] System

January 18, 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 January 11, 2008, the New York Stock Exchange LLC (''NYSE'' or the ''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 NYSE. The Exchange has designated this proposal as one establishing or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

changing a 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 proposes to implement a four-month pilot program that will offer liquidity takers a reduced transaction fee structure for certain bond trades executed on the NYSE Bonds℠ system. This pilot program will terminate on the close of business May 15, 2008 and will apply to all orders. The text of the proposed rule change is available at the Exchange's principal office, in the Commission's Public Reference Room, and at *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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. 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

The Exchange proposes to implement a four-month pilot program that will offer liquidity takers a reduced transaction fee structure for transaction fees for certain bond trades executed on NYSE Bonds. This pilot program will commence on January 15, 2008 and will terminate at the close of business May 15, 2008.

The Exchange proposes to reduce transaction fees charged to liquidity takers for transactions executed on NYSE Bonds with a staggered transaction fee schedule based on the number of bonds purchased in excess of ten bonds. Currently, the transaction fee for orders that take liquidity from the market is $0.50 per bond. This fee remains unchanged for orders up to ten bonds. The proposed fee filing provides for the following transaction fee schedule: (1) When the liquidity taker purchases between one to ten bonds, the Exchange will charge an execution fee of $0.50 per bond; (2) when the liquidity taker purchases between 11 and 25 bonds, the Exchange will charge an execution fee of $0.20 per bond; and (3) when the liquidity taker purchases 26 bonds or more, the Exchange will charge an execution fee of $0.10 per bond. The Exchange will impose a $100 fee cap per transaction.

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 furthers the objectives of 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

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 purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and subparagraph (f)(2) of Rule 19b–4 thereunder.[8] 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–NYSE–2008–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2008–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed 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 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–4–NYSE–2008–04 and should be submitted on or before February 19, 2008.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[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).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–1374 Filed 1–25–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57186; File No. SR–NYSEArca–2007–121]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change Relating to Rule 6.37B and the Quoting Obligations of Lead Market Makers

January 22, 2008.

On November 27, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the continuous quoting obligation of Lead Market Makers (''LMMs''). The proposed rule change was published for comment in the **Federal Register** on December 12, 2007.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

NYSE Arca proposes to amend its Rule 6.37B to reduce the continuous quoting obligation of LMMs. Currently, an LMM must provide continuous two-sided quotations throughout the trading day in its appointed issues for 99% of the time the Exchange is open for trading in each issue.[4] NYSE Arca proposes to reduce the continuous quoting obligation of LMMs to 90% of the time the Exchange is open for trading in each appointed issue. The Exchange proposes that any period in which a technical failure or limitation of a system of the Exchange prevents an LMM from maintaining, or prevents an LMM from communicating to the Exchange, timely and accurate electronic quotes in a class shall not be considered in determining whether an LLM has satisfied the 90% quoting standard with respect to that option class. The Exchange also proposes that it may consider other exceptions to the continuous quoting obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances. In addition, the Exchange proposes to amend the review period for this continuous quoting obligation from a quarterly basis to a monthly basis.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange.[5] In particular, the Commission believes that the proposed rule change is consistent with section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that the Exchange's proposal to reduce the continuous quoting obligation of LMMs is appropriate given the benefits afforded to LMMs.[7]

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule change (SR–NYSEArca–2007–121) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–1395 Filed 1–25–08; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 56908 (December 5, 2007), 72 FR 70639.

[4] *See* NYSE Arca Rule 6.37B(b).

[5] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] In addition, the Commission notes that all NYSE Arca Market Makers have a minimum continuous quoting obligation. NYSE Arca Rule 6.37B(c) states that a Market Maker must provide continuous two sided quotations throughout the trading day in its appointed issues for 60% of the time the Exchange is open for trading in each issue. In addition, the Commission notes that NYSE Arca Rule 6.37B(d), which states that in the interest of maintaining a fair and orderly market, a Market Maker may be called upon by a Trading Official to maintain continuous quotes in one or more series of an option issue, shall continue to apply.

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Certain Companies Quoted on the Pink Sheets: Asia Pacific Energy Inc.; Bolivar Mining Corp; Order of Suspension of Trading

January 24, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of the issuers listed below. As set forth below for each issuer, questions have arisen regarding the adequacy and accuracy of publicly disseminated information concerning, among other things: (1) The companies' current financial condition, (2) the companies' management, (3) the companies' business operations, and/or (4) stock promoting activity.

1. Asia Pacific Energy Inc. is a Nevada company with offices in Richmond Hill, Ontario, Canada. Questions have arisen regarding the adequacy and accuracy of statements on the company's Web site concerning the company's management, operations, current financial condition, transactions involving the issuance of the company's shares, and concerning stock promoting activity.

2. Bolivar Mining Corp. is a Nevada company with offices in Vancouver, British Columbia, Canada. Questions have arisen regarding the adequacy and accuracy of press releases concerning the company's current financial condition, operations, management, and concerning stock promoting activity.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the companies listed above.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the companies listed above is suspended for the period from 9:30 a.m. EST on January 24, 2008, through 11:59 p.m. EST, on February 6, 2008.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. 08–359 Filed 1–24–08; 10:26 am]

BILLING CODE 8011–01–P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed amendments to sentencing guidelines, policy statements, and commentary. Request for public comment, including public comment regarding retroactive application of any of the proposed amendments. Notice of public hearing.

SUMMARY: Pursuant to section 994(a), (o), and (p) of title 28, United States Code, the United States Sentencing Commission is considering promulgating certain amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that amendment. This notice also provides multiple issues for comment, some of which are contained within proposed amendments.

The specific proposed amendments and issues for comment in this notice are as follows: (1) Proposed amendment to § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States) and Appendix A repromulgating a temporary, emergency amendment implementing section 5 of the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, Public Law 110–179, and related issues for comment; (2) a proposed amendment to § 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions) and Appendix A implementing the Honest Leadership and Open Government Act of 2007, Public Law 110–81; (3) a proposed amendment to §§ 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy), 2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy), 2N2.1 (Violations of Statutes and Regulations Dealing With Any Food, Drug, Biological Product, Device, Cosmetic, or Agricultural Product), and Appendix A regarding offenses involving human growth hormone (hGH) and offenses involving violations of certain food and drug safety laws, and related issues for comment; (4) a proposed amendment to § 2E3.1 (Gambling Offenses) and Appendix A implementing the Animal Fighting Prohibition Enforcement Act of 2007, Public Law 110–22; (5) a proposed amendment making various technical amendments to the guidelines; (6) a proposed amendment to § 4A1.2 (Definitions and Instructions for Computing Criminal History); (7) a proposed amendment to § 2L1.2 (Unlawfully Entering or Remaining in the United States) and a related issue for comment; and (8) issues for comment regarding a directive and two new offenses created by the Court Security Improvement Act of 2007, Public Law 110–177.

DATES: (1) Proposed Amendments.—Written public comment regarding the proposed amendments and issues for comment set forth in this notice, including public comment regarding retroactive application of any of the proposed amendments, should be received by the Commission not later than March 28, 2008.

(2) Public Hearing.—The Commission will be scheduling a public hearing on its proposed amendments. Further information regarding the public hearing, including requirements for testifying and providing written testimony, as well as the date of the hearing, will be provided by the Commission on its Web site at *www.ussc.gov*.

ADDRESSES: Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502–4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. § 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May of each year pursuant to 28 U.S.C. 994(p).

The proposed amendments in this notice are presented in one of two formats. First, some of the amendments are proposed as specific revisions to a guideline or commentary. Bracketed text within a proposed amendment indicates a heightened interest on the Commission's part in comment and suggestions regarding alternative policy choices; for example, a proposed enhancement of [2][4][6] levels indicates that the Commission is considering, and invites comment on, alternative policy choices regarding the appropriate level of enhancement. Similarly, bracketed text within a specific offense characteristic or application note means that the Commission specifically invites comment on whether the proposed provision is appropriate. Second, the Commission has highlighted certain issues for comment and invites suggestions on how the Commission should respond to those issues.

The Commission also requests public comment regarding whether the Commission should specify for retroactive application to previously sentenced defendants any of the proposed amendments published in this notice. The Commission requests comment regarding which, if any, of the proposed amendments that may result in a lower guideline range should be made retroactive to previously sentenced defendants pursuant to § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range).

Additional information pertaining to the proposed amendments described in this notice may be accessed through the Commission's Web site at *www.ussc.gov*.

Authority: 28 U.S.C. 994(a), (o), (p), (x); USSC Rules of Practice and Procedure, Rule 4.4.

Ricardo H. Hinojosa,
Chair.

Repromulgation of the Emergency Disaster Fraud Amendment

1. Synopsis of Proposed Amendment: This proposed amendment repromulgates the temporary emergency amendment, effective February 6, 2008, that responded to the directive in section 5 of the ''Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007,'' Public Law 110–179 (the ''Act''). The directive, which required the Commission to promulgate an amendment under emergency amendment authority by February 6, 2008, provides that the Commission forthwith shall—promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

* * *

Section 5(b) of the Act further requires the Commission to—

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The emergency amendment created a new two-level enhancement in § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States) if the offense involved fraud or theft involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a declaration of a major disaster or an emergency, and added a corresponding application note.

The emergency amendment added a new subdivision (IV) to Application Note 3(A)(v) of § 2B1.1 providing that in disaster fraud cases, ''reasonably foreseeable pecuniary harm includes the administrative costs to any federal, state, or local government entity or any commercial or not-for-profit entity of recovering the benefit from any recipient thereof who obtained the benefit through fraud or was otherwise ineligible for the benefit that were reasonably foreseeable.''

The emergency amendment also provided a reference to § 2B1.1 in Appendix A (Statutory Index) for the new offense at 18 U.S.C. § 1040, which criminalizes the commission of a fraud in connection with major disaster or emergency benefits, and is punishable by a maximum term of imprisonment of thirty years.

The proposed amendment would repromulgate the emergency amendment as a permanent amendment to § 2B1.1.

Several issues for comment follow the proposed amendment.

Section 2B1.1(b) is amended by adding at the end the following:

''(16) If the offense involved fraud or theft involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a declaration of a major disaster or an emergency, increase by 2 levels''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended in Note 3 by inserting after the paragraph that begins ''(III) Offenses Under 18 U.S.C. § 1030.—'' the following:

''(IV) *Disaster Fraud Cases*.—In a case in which subsection (b)(16) applies, reasonably foreseeable pecuniary harm includes the administrative costs to any federal, state, or local government entity or any commercial or not-for-profit entity of recovering the benefit from any recipient thereof who obtained the benefit through fraud or was otherwise ineligible for the benefit that were reasonably foreseeable.''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended by redesignating Notes 15 through 19 as Notes 16 through 20, respectively; and by inserting after Note 14 the following:

''15. Application of Subsection (b)(16).—For purposes of this subsection:

'Emergency' has the meaning given that term in 42 U.S.C. § 5122.

'Major disaster' has the meaning given that term in 42 U.S.C. § 5122.''.

The Commentary to § 2B1.1 captioned ''Background'' is amended by adding at the end the following:

''Subsection (b)(16) implements the directive in section 5 of Public Law 110–179.''.

Appendix A (Statutory Index) is amended by inserting after the line reference to 18 U.S.C. 1039 the following:

''18 U.S.C. § 1040 2B1.1''.

Issues for Comment

1. Should the proposed amendment repromulgating the emergency amendment, effective February 6, 2008, that responded to the directive in section 5 of the ''Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007,'' Public Law 110–179 (the ''Act''), include a minimum offense level in the specific offense characteristic? If so, what would be the appropriate level for the minimum offense level?

2. Should the proposed amendment repromulgating the emergency amendment expand the scope of the enhancement to cover fraud or theft involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid ''in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States''? Such conduct was criminalized by the new offense at 18 U.S.C. § 1040 created by the Act, but was not specifically included within the scope of the directive granting emergency amendment authority to the Commission.

3. Are there any aggravating or mitigating circumstances existing in disaster fraud cases that might justify additional amendments to the guidelines?

Honest Leadership and Open Government Act of 2007

2. *Synopsis of Proposed Amendment*: This proposed amendment implements the Honest Leadership and Open Government Act of 2007, Public Law 110–81 (the ''Act''). The Act creates a new offense at 18 U.S.C. § 227 (Wrongfully influencing a private entity's employment decisions by a member of Congress), which provides: ''Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity—(1) takes or withholds, or offers or threatens to take or withhold, an official act, or (2) influences, or offers or threatens to influence, the official act of another, shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States''.

The proposed amendment amends Appendix A to reference offenses under 18 U.S.C. 227 to § 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions).

The Commentary to § 2C1.1 captioned ''Statutory Provisions'' is amended by inserting ''227,'' after ''226,''.

Appendix A (Statutory Index) is amended by inserting after line reference to 18 U.S.C. § 226 the following:

''18 U.S.C. § 227 2C1.1''.

Miscellaneous Food and Drug Offenses

3. Synopsis of Proposed Amendment: This proposed amendment addresses offenses involving human growth hormone (hGH) and offenses involving violations of certain food and drug safety laws.

First, the proposed amendment creates guideline penalties for offenses involving the illegal distribution of hGH by amending §§ 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy), 2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy), 2N2.1 (Violations of Statutes and Regulations Dealing With Any Food, Drug, Biological Product, Device, Cosmetic, or Agricultural Product), and Appendix A (Statutory Index). Specifically, the proposed amendment adds references to §§ 2D1.1 and 2D1.2 in Appendix A for violations of 21 U.S.C. §§ 333(e)(1) and (e)(2), respectively; amends the specific offense characteristic at § 2D1.1(b)(6) to include hGH offenses; and deletes language in the commentary to § 2N2.1 stating that the Commission has not established a guideline for hGH offenses. In addition, there are issues for comment regarding hGH offenses.

Second, the proposed amendment addresses how violations of the Federal Food, Drug, and Cometic Act (21 U.S.C. § 301, *et seq.*) (the ''FDCA'') and the Prescription Drug Marketing Act of 1987, Public Law 100–293, (the ''PDMA'') are treated under § 2N2.1. Specifically, the proposed amendment adds a specific offense characteristic at § 2N2.1 that applies if the defendant committed any part of the instant offense after sustaining a conviction of an offense under 21 U.S.C. § 331. Because PDMA offenses at 21 U.S.C. §§ 353 and 381 are incorporated into the FDCA at 21 U.S.C. § 331 the proposed specific offense characteristic also is applicable to a second or subsequent violation of the PDMA. The proposed amendment also amends the commentary to § 2N2.1 to include substantial risk of bodily harm or death as a basis for an upward departure. In addition, there is an issue for comment regarding violations of the FDCA and PDMA.

Section 2D1.1(b)(6) is amended by inserting ''or human growth hormone'' after ''substance''.

The Commentary to § 2D1.1 captioned ''Statutory Provisions'' is amended by inserting ''333(e)(1),'' after ''21 U.S.C. §§ ''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 10 in the section captioned ''(E) Drug Equivalency Tables'' by inserting after the subdivision captioned ''Schedule III Substances (except ketamine) * * * '' the following:

''Human Growth Hormone * * * *
1 unit of Human Grown Hormone = 1 gm of marihuana

* * * * Provided, that the combined equivalent weight of all human growth hormone units, Schedule III substances, Schedule IV substances (except flunitrazepam), and Schedule V substances shall not exceed 59.99 kilograms of marihuana.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 10 in the ''(E) Drug Equivalency Tables'' in the subdivision captioned ''Schedule IV Substances (except flunitrazepam)'' by inserting an additional asterisk after '' * * * '' in both instances.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 10 in the ''(E) Drug Equivalency Tables'' in the subdivision captioned ''Schedule V Substances'' by inserting an additional asterisk after '' * * * * '' in both instances.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 10 in the ''(E) Drug Equivalency Tables'' in the subdivision captioned ''List I Chemicals (relating to the manufacture of amphetamine or methamphetamine)'' by inserting an additional asterisk after '' * * * * * * '' in both instances.

The Commentary to § 2D1.2 captioned ''Statutory Provisions'' is amended by inserting ''333(e)(2),'' after ''21 U.S.C. §§ ''.

Section 2N2.1 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) Specific Offense Characteristic

(1) If the defendant committed any part of the instant offense after sustaining a conviction of an offense under 21 U.S.C. § 331, increase by [2]–[7] levels.''.

The Commentary to § 2N2.1 captioned ''Application Notes'' is amended in Note 3 by striking ''Death'' and inserting ''The offense created a substantial risk of bodily injury or death,''; and by inserting ''from the offense'' after ''resulted''.

The Commentary to § 2N2.1 captioned ''Application Notes'' is amended in Note 4 by striking the first sentence.

Appendix A (Statutory Index) is amended by inserting after line reference to 21 U.S.C. § 333(b) the following:

''21 U.S.C. § 333(e)(1) 2D1.1
21 U.S.C. § 333(e)(2) 2D1.2''.

Issues for Comment

1. The Commission requests comment regarding how human growth hormone (hGH) should be quantified under § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses)). Human growth hormone typically is distributed in vials of varying sizes. The vials may specify the amount of hGH they contain in International Units (IU) or milligrams (mg). For certain controlled substances (including some Schedule I and II depressants, Schedule III, Schedule IV, and Schedule V controlled substances) the base offense level is determined based on the number of ''units'' involved in the offense. A ''unit'' is defined generally as ''one pill, capsule or tablet'' or, if in liquid form (other than GHB), one ''unit'' means 0.5 ml. See Note F of the Drug Quantity Table in § 2D1.1(c).

2. The existing definition of ''unit'' applies to trafficking in steroids, which is a Schedule III controlled substance with a penalty scheme similar to distribution offenses involving human growth hormone (hGH). The Commission requests comment regarding the harmfulness of hGH offenses relative to steroid offenses. Are hGH trafficking offenses more harmful, less harmful, or of approximately equal harm? Based on that comparison, what quantity of vials, IU, or mg of hGH should be used to determine a ''unit'' for purposes of calculating the base offense level (e.g., one vial, 3 IUs, 1 mg)?

3. The Commission requests comment regarding whether a maximum base offense level should apply in § 2D1.1 for an offense involving the distribution of human growth hormone (hGH). For certain types of controlled substances, the marihuana equivalencies in the Drug Equivalency Table in § 2D1.1(c) are ''capped'' at specified amounts. For example, anabolic steroids and other Schedule III controlled substances, which also have a statutory maximum of 5 years' imprisonment, are subject to a maximum base offense level of 20. Should the Commission similarly

provide a maximum base offense level for offenses involving the distribution of hGH and, if so, what maximum base offense level should apply?

4. The Commission requests comment regarding whether it should expand the scope of the enhancements in § 2D1.1(b)(6) (pertaining to masking agents) and § 2D1.1(b)(7) (pertaining to distribution of a steroid to an athlete) to include hGH. Also, should the Commission amend the commentary to § 2D1.1 in Application Note 8 to cover offenses involving human growth hormone (hGH)? Specifically, the enhancement at § 2D1.1(b)(6) defines ''masking agent'' as ''a product added to, or taken with, an anabolic steroid to prevent the detection of the anabolic steroid in an individual's body.'' Masking agents also can be taken to prevent the detection of other controlled substances, including hGH. Should the Commission expand the definition of masking agent, and thus application of the enhancement, in a manner that covers hGH? Human growth hormone also may be used to enhance an individual's performance. Should the Commission expand the scope of the enhancement at § 2D1.1(b)(7) pertaining to distribution to an athlete to cover offenses involving hGH? Application Note 8 instructs the court on how to apply § 3B1.3 (Abuse of Position of Trust or Use of Special Skill) in a case in which a coach used his or her position to influence an athlete to use an anabolic steroid. Similarly, a coach may use his or her position to influence an athlete to use hGH. Should the Commission modify Application Note 8 to include cases involving hGH?

5. The Commission requests comment regarding whether § 2N2.1 (Violations of Statutes and Regulations Dealing with Any Food, Drug, Biological Product, Device, Cosmetic, or Agricultural Product) adequately addresses the numerous statutes referenced to that guideline. The statutes referenced to § 2N2.1 prohibit conduct ranging from regulatory offenses with a statutory maximum penalty of 1 year imprisonment (e.g., 21 U.S.C. § 642 (Recordkeeping requirements [for meat processors])) to violations of the Prescription Drug Marketing Act of 1987 that carry a statutory maximum penalty of 10 years imprisonment. Should the Commission provide alternative base offense levels, specific offense characteristics identifying aggravating factors warranting an enhanced sentence, or some combination of these to more adequately address these offenses? If so, what should be the offense levels associated with alternative base offense levels and/or specific offense characteristics?

Animal Fighting Prohibition Enforcement Act of 2007

4. Synopsis of Proposed Amendment: This proposed amendment implements the Animal Fighting Prohibition Enforcement Act of 2007, Public Law 110–22 (the ''Act''). The Act amends the Animal Welfare Act, 7 U.S.C. § 2156, to increase penalties for existing offenses and to create a new offense. Specifically, the Act increases penalties for criminal violations of 7 U.S.C. 2156 from a maximum term of one year of imprisonment to a maximum term of not more than three years of imprisonment. The penalties are now set forth in section 49 of title 18, United States Code. In addition, the Act created a new offense at 7 U.S.C. 2156(e) which makes it unlawful to ''sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.'' The term ''animal fighting venture'', an element of each criminal offense in 7 U.S.C. 2156, is defined at subsection (g) as '' * * * any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment * * *''.

The proposed amendment deletes the reference of 7 U.S.C. 2156 to § 2X5.2 (Class A Misdemeanors) in Appendix A because violations of 7 U.S.C. 2156 are now felony offenses. The proposed amendment references offenses under 7 U.S.C. 2156 to § 2E3.1 (Gambling Offenses).

The proposed amendment also creates a new alternative base offense level at § 2E3.1(b)(2) that provides a base offense level of [8][10] if the offense involved an ''animal fighting venture'', which is defined in proposed Application Note 1 as having the meaning given that term in 7 U.S.C. 2156(g). Additionally, the proposed amendment adds an instruction to apply the greatest applicable base offense level at § 2E3.1(a) because an offense involving an animal fighting venture may also involve conduct covered by subsection (a)(1).

The proposed amendment also provides an upward departure provision if an animal fighting offense involves extraordinary cruelty to an animal.

Finally, the proposed amendment expands the title of § 2E3.1 to include animal fighting offenses.

Section 2E3.1 is amended in the heading by adding at the end ''; Animal Fighting Offenses''.

Section 2E3.1(a) is amended by inserting ''(Apply the Greatest)'' after ''Level:''; by redesignating subdivision (2) as subdivision (3); and by inserting after subdivision (1) the following:

''(2) [8][10], if the offense involved an animal fighting venture; or''.

The Commentary to § 2E3.1 captioned ''Statutory Provisions'' is amended by inserting ''7 U.S.C. § 2156;'' before ''15 U.S.C. §§ ''.

The Commentary to § 2E3.1 is amended by adding at the end the following:

''*Application Notes:*

1. 'Animal fighting venture' has the meaning given that term in 7 U.S.C. § 2156(g).

2. In the case of an animal fighting offense that involves extraordinary cruelty to an animal, an upward departure may be warranted.''.

Appendix A (Statutory Index) is amended in the line reference to 7 U.S.C. § 2156 by striking ''2X5.2'' and inserting ''2E3.1''.

Technical Amendment

5. Synopsis of Proposed Amendment: This proposed amendment makes technical corrections to various guidelines.

First, the proposed amendment modifies § 2B1.1(b)(11) to correct a clerical error.

Second, the proposed amendment addresses section 121 of the USA PATRIOT Improvement and Reauthorization Act of 2005, Public Law 109–177, (the ''USA PATRIOT Act''). The USA PATRIOT Act changed the definition of ''contraband cigarette'' in subsection (2) of 21 U.S.C. 2341 (Trafficking in Contraband Cigarettes and Smokeless Tobacco) to include the failure to pay local cigarette taxes. Prior to the USA PATRIOT Act, the definition covered only the failure to pay state cigarette taxes. Section 121 of the PATRIOT Act also reduced the number of contraband cigarettes necessary to violate the substantive offenses set forth in 18 U.S.C. 2342 (Unlawful acts) and 2344 (Penalties) from 60,000 to 10,000.

Violations involving contraband cigarettes are referenced to § 2E4.1 (Unlawful Conduct Relating to Contraband Cigarettes and Smokeless Tobacco) in Appendix A (Statutory Index). The Commission amended the background commentary at § 2E4.1 to reflect the change in the number of contraband cigarettes and expanded the headings of Chapter Two, Part E, Subpart 4 and § 2E4.1 to include smokeless tobacco. *See* Amendment 700, USSG App. C. However, the amendment to § 2E4.1 did not reflect the

statutory inclusion of failure to pay local cigarette taxes in 21 U.S.C. 2341.

The proposed amendment amends § 2E4.1 to incorporate the statutory language regarding failure to pay local cigarette taxes. Currently, Application Note 1 at § 2E4.1 provides that the ''tax evaded'' refers to state excise tax. The proposed amendment expands the meaning of ''tax evaded'' at Application Note 1 to include local excise taxes. The proposed amendment also amends the background commentary at § 2E4.1 to include local excise taxes.

Third, the proposed amendment implements the technical corrections made by Public Law 110–161.

Fourth, the proposed amendment corrects a statutory reference included in § 3C1.4 (False Registration of Domain Name), which provides a two-level adjustment for a case in which a particular statutory enhancement applies. At the time of promulgation of this guideline, the referenced statutory enhancement was at 18 U.S.C. 3559(f)(1). *See* Amendment 689, USSG App. C. The Adam Walsh Child Protection and Safety Act of 2006 (the ''Adam Walsh Act''), Public Law 109–248, amended 18 U.S.C. 3559 by redesignating subsection (f) as subsection (g) and inserting a new subsection (f). This proposed amendment changes the statutory reference in § 3C1.4 to reflect the redesignation of subsection (f) to subsection (g) of section 3359.

Fifth, the proposed amendment addresses statutory changes to 18 U.S.C. 1512. In 2002, Congress amended 18 U.S.C. 1512(a) and (b) (Tampering with a witness, victim, or an informant) as part of the 21st Century Department of Justice Appropriations Authorization Act (the ''Act''), Public Law 107–273. Section 3001 of the Act moved the elements of ''physical force'' and ''threat of physical force'' from 18 U.S.C. 1512(b) into subsection (a). Thus, section 1512(b) now punishes only intimidation, threats, corrupt persuasion, misleading conduct, and attempts. The Act also added at 18 U.S.C. 1512(a)(3)(C) a ten-year statutory maximum penalty in the case of ''the threat of physical force against any person''. In order to reflect the statutory changes, the proposed amendment modifies the statutory index by deleting the references in Appendix A to §§ 2A1.2 (Second Degree Murder) and 2A2.2 (Aggravated Assault) for 18 U.S.C. § 1512(b), and adding those guidelines as references for 18 U.S.C. 1512(a). The proposed amendment also adds a reference to § 2J1.2 (Obstruction of Justice) for 18 U.S.C. 1512(a) to reflect the broad range of obstructive conduct now covered in that section, including the threat of physical force against a witness.

Sixth, the proposed amendment refers offenses under 18 U.S.C. 1091 to § 2H1.1 (Offenses Involving Individual Rights) in Appendix A. Appendix A currently refers offenses under 18 U.S.C. 1091 (Genocide) to § 2H1.3 (Use of Force or Threat of Force to Deny Benefits or Rights in Furtherance of Discrimination; Damage to Religious Real Property), but this guideline no longer exists. Amendment 521, which became effective November 1, 1995, consolidated §§ 2H1.2 (Conspiracy to Interfere with Civil Rights), 2H1.3, 2H1.4 (Interference with Civil Rights Under Color of Law) and 2H1.5 (Other Deprivations of Rights or Benefits in Furtherance of Discrimination) into § 2H1.1. This proposed amendment would make a conforming change to Appendix A.

Section 2B1.1(b)(11) is amended by inserting ''resulting'' before ''offense level''.

The Commentary to § 2E4.1 captioned ''Application Notes'' is amended in Note 1 by inserting ''and local'' before ''excise'' and by striking ''tax'' and inserting ''taxes''.

The Commentary to § 2E4.1 captioned ''Background'' is amended by inserting ''and local'' before ''excise''.

Section 2X7.1(a) is amended by striking ''554'' and inserting ''555'' each place it appears.

The Commentary to § 2X7.1 captioned ''Statutory Provision'' is amended by striking ''554'' and inserting ''555''.

Appendix A (Statutory Index) is amended by striking both references to 18 U.S.C. § 554 and inserting the following:

''18 U.S.C. § 554 2B1.5, 2M5.2, 2Q2.1
18 U.S.C. § 555 2X7.1''.

Section 3C1.4 is amended by striking ''(f)'' and inserting ''(g)''.

Appendix A (Statutory Index) is amended in the line reference to 18 U.S.C. § 1512(a) by inserting '', 2A2.2, 2A2.3, 2J1.2'' after ''2A2.1''.

Appendix A (Statutory Index) is amended in the line reference to 18 U.S.C. § 1512(b) by striking ''2A1.2, 2A2.2,''.

Appendix A (Statutory Index) is amended in the line reference to 18 U.S.C. § 1091 by striking ''2H1.3'' and inserting ''2H1.1.''.

Criminal History

6. *Synopsis of Proposed Amendment:* The proposed amendment modifies § 4A1.2(a) to clarify the meaning of the term ''arrest'' as used in determining whether an intervening arrest causes two prior sentences to be counted separately or as a single sentence. First, the proposed amendment provides that an intervening arrest includes an attempted service of an arrest warrant where the defendant escapes the arrest or the service of the arrest warrant. Second, the proposed amendment provides that the issuance of a summons or complaint does not constitute an arrest.

Section 4A1.2(a)(2) is amended by adding at the end the following:

''An 'arrest' includes an attempted service of an arrest warrant where the defendant escapes the arrest or the service of the arrest warrant. The issuance of a summons or a complaint does not constitute an 'arrest'.''.

The Commentary to § 4A1.2 captioned ''Application Notes'' is amended in Note 3 by striking ''Upward Departure Provision'' and inserting ''Multiple Prior Sentences''.

Immigration

7. *Synopsis of Proposed Amendment:* The following proposed amendment addresses issues related to § 2L1.2 (Unlawfully Entering or Remaining in the United States).

Option 1 addresses discrete application issues identified through comment to the Commission as well as through an analysis of applicable circuit case law. Specifically, Option 1 addresses issues related to the definitions of ''crime of violence'' and ''drug trafficking offense.''

Within Option 1, sub-option A (Crime of Violence) provides new language in § 2L1.2(b)(1)(A)(iii) and (b)(1)(B) to provide a graduated enhancement of 16 or 12 levels for ''an offense that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.'' Specific offense characteristic (b)(1)(A)(iii) provides an increase of 16 levels if the sentence imposed for such conviction exceeded 13 months. Specific offense characteristic (b)(1)(B) provides an increase of 12 levels if the sentence imposed for such conviction was 13 months or less. Sub-option A (Crime of Violence) also adds a definition to Application Note 1(B)(iii) for ''forcible sex offenses.''

Sub-option B (Crime of Violence) deletes the definition of ''crime of violence'' in Application Note 1(B)(iii) and defines ''crime of violence'' as ''an offense described in 8 U.S.C. § 1101(a)(43)(A) and (F), except an offense against the property of another.'' The aggravated felony definition at 8 U.S.C. § 1101(a)(43)(A) includes convictions for murder, rape and sexual

abuse of a minor, and 8 U.S.C. 1101(a)(43)(F) refers to the definition of ''crime of violence'' found at 18 U.S.C. 16. The definition of ''crime of violence'' at 18 U.S.C. 16 is ''(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.'' Option B limits the scope of 8 U.S.C. 1101(a)(43)(F) to exclude ''an offense against the property of another'' for purposes of the enhancement.

Option 1 provides two sub-options regarding the definition of ''drug trafficking offense'' in Application Note 1(B)(iv). Sub-option A (Drug Trafficking Offenses) amends the definition of ''drug trafficking offense'' in Application Note 1(B)(iv) by adding the terms ''[transportation,] or offer to sell'' to the definition. Sub-option B (Drug Trafficking Offenses) amends the definition of ''drug trafficking offense'' by deleting the current definition in Application Note 1(B)(iv) and referring to the aggravated felony definition of ''drug trafficking crime'' as defined in 18 U.S.C. 924(c).

Option 1 also provides a new departure provision that ''in a case in which subsection (b)(1)(A) or (b)(1)(B) does not apply and the defendant has a prior conviction for a drug possession [Sub-option A (Drug Trafficking Offenses): or transportation] [Sub-option B (Drug Trafficking Offenses): , transportation, or offer to sell] offense involving a quantity of a controlled substance that exceeds a quantity consistent with personal use, an upward departure may be warranted.''

Option 1 also provides a new downward departure provision for cases in which subsection (b)(1)(A) applies, and the prior conviction does not meet the definition of aggravated felony at 8 U.S.C. 1101(a)(43).

Option 2 provides a base offense level of [12] [14] [16] and four specific offense characteristics. Subsection (b)(1) provides an increase of [4] [6] levels if the defendant previously was deported or unlawfully remained in the United States after a conviction for which the sentence imposed exceeded 24 months. Subsection (b)(2) provides an increase of 4 levels, and a minimum offense level of 24, if the defendant previously was deported or unlawfully remained in the United States after a conviction for a national security or terrorism offense, or an offense of murder, rape, or sexual abuse of a minor as described in 8 U.S.C. 1101(a)(43)(A). Subsection (b)(3) provides an increase of [4] [6] levels if the offender sustained a conviction for another felony offense subsequent to illegally reentering the United States. This enhancement does not apply to convictions for reentry (8 U.S.C. 1325 or 1326) as Application Note 3 defines ''another felony offense'' as ''any federal, state, or local offense, punishable by imprisonment for a term exceeding one year, other than a conviction under 8 U.S.C. 1325 or 1326.'' Finally, subsection (b)(4) provides a decrease of [4] [6] [8] levels if the defendant does not have any prior felony convictions.

Two departure considerations are also provided in Application Note 4. First, a departure may be warranted in ''a case in which the applicable offense level substantially overstates or understates the seriousness of a prior conviction.'' Second, ''an upward departure may be warranted in a case in which the defendant has been removed multiple times prior to committing the instant offense.''

Option 3 provides a base offense level 8. The specific offense characteristics include a 20 level increase for a prior felony conviction for a national security or terrorism offense under § 2L1.2(b)(1)(A). A prior felony conviction for murder, rape, child pornography, or child sexual abuse offense results in a 16 level increase under § 2L1.2(b)(1)(B)(i). The option also has bracketed two enumerated offenses that result in a 16 level increase under § 2L1.2(b)(1)(B)(i), kidnapping and human trafficking offenses. Additionally, a prior felony conviction resulting in a sentence of 48 months, or two prior felony convictions each resulting in a sentence of imprisonment exceeding [12] [13] months, results in a 16 level increase under § 2L1.2(b)(1)(B)(ii) and (iii). If the prior felony conviction resulted in a sentence less than 48 months but more than 24 months, an increase of 12 levels applies under § 2L1.2(b)(1)(C). A prior felony conviction resulting in a sentence of imprisonment exceeding [12] [13] months results in an 8 level increase under § 2L1.2(b)(1)(D). Finally, under § 2L1.2(b)(1)(E) any prior felony conviction, regardless of the sentence imposed, or any three prior convictions, each resulting in a sentence of imprisonment of at least 60 days, results in a 4 level increase.

This proposed amendment also includes an issue for comment.

[*Sub-option 1(A)(Crime of Violence*): Section 2L1.2(b) is amended by striking subdivisions (A) and (B) and inserting the following:

''(A) A conviction for a felony that is (i) a drug trafficking offense for which the sentence imposed exceeded 13 months; (ii) a crime of violence; (iii) an offense that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense, for which the sentence imposed exceeded 13 months; (iv) a firearms offense; (v) a child pornography offense; (vi) a national security or terrorism offense; (vii) a human trafficking offense; or (viii) an alien smuggling offense, increase by 16 levels;

(B) a conviction for a felony that is (i) a drug trafficking offense for which the sentence imposed was 13 months or less; or (ii) an offense that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense, for which the sentence imposed was 13 months or less, increase by 12 levels;''.

[*Sub-option A (Crime of Violence*): The Commentary to § 2L1.2 captioned ''Application Notes'' is amended in Note 1 in the paragraph that begins ''(iii) 'Crime of violence' means'' by adding at the end the following:

'' 'Forcible sex offense' includes any sex offense in which consent to the conduct was not given, or was not given voluntarily and/or competently.''.]

[*Sub-option B (Crime of Violence)*: The Commentary to § 2L1.2 captioned ''Application Notes'' is amended in Note 1 by striking the paragraph that begins ''(iii) 'Crime of violence' means'' and inserting the following:

''(iii) 'Crime of violence' means an offense described in 8 U.S.C. § 1101(a)(43)(A) or (F), except an offense against the property of another.''.]

[*Sub-option A (Drug Trafficking Offenses)*: The Commentary to § 2L1.2 captioned ''Application Notes'' is amended in Note 1 in the paragraph that begins (iv) 'Drug trafficking offense' means'' by striking ''or dispensing'' and inserting ''dispensing, [transportation,] or offer to sell''.

[*Sub-option B (Drug Trafficking Offenses)*: The Commentary to § 2L1.2 captioned ''Application Notes'' is amended in Note 1 by striking the paragraph that begins (iv) 'Drug trafficking offense' means'' and inserting the following: ''(iv) 'Drug trafficking offense' means a 'drug trafficking crime' as defined in 18 U.S.C. § 924(c).''.

The Commentary to § 2L1.2 captioned ''Application Notes'' is amended by adding at the end the following:

''7. *Departure Considerations.*—

(A) In a case in which subsection (b)(1)(A) or (b)(1)(B) does not apply and the defendant has a prior conviction for

a drug possession [Sub-option A (Drug Trafficking Offenses): or transportation] [Sub-option B (Drug Trafficking Offenses): , transportation, or offer to sell] offense involving a quantity of a controlled substance that exceeds a quantity consistent with personal use, an upward departure may be warranted.

[(B) In a case in which subsection (b)(1)(A) applies, and the prior conviction does not meet the definition of aggravated felony at 8 U.S.C. § 1101(a)(43), a downward departure may be warranted.''.]

[*Option 2:* Chapter Two, Part L, Subpart One, is amended by striking § 2L1.2 and its accompanying commentary and inserting the following:

''§ 2L1.2. Unlawfully Entering or Remaining in the United States

(a) *Base Offense Level:* [12] [14] [16]

(b) Specific Offense Characteristics

(1) If the defendant previously was deported, or unlawfully remained in the United States, after a conviction for a felony for which the sentence imposed exceeded 24 months, increase by [4][6] levels.

(2) If the defendant previously was deported, or unlawfully remained in the United States after a conviction for a felony that is (A) a national security or terrorism offense; or (B) an offense described in 8 U.S.C. § 1101(a)(43)(A); increase by 4 levels. If the resulting offense level is less than level 24, increase to level 24.

(3) If the defendant has sustained a conviction for another felony offense that was committed subsequent to illegally reentering the United States, increase by [4][6] levels.

(4) If the defendant does not have any prior felony convictions, decrease the offense level by [4][6][8] levels.

Commentary

Statutory Provisions: 8 U.S.C. 1325(a) (second or subsequent offense only), 8 U.S.C. 1326. For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. *Definition.*—For purposes of this guideline,'felony' means any federal, state, or local offense punishable by imprisonment for a term exceeding one year.

2. *Computation of Criminal History Points.*—A conviction taken into account under subsection (b) is not excluded from consideration of whether that conviction receives criminal history points pursuant to Chapter Four, Part A (Criminal History).

3. *Application of Subsection (b)(3).*—

'Another felony offense' means any federal, state, or local offense, punishable by imprisonment for a term exceeding one year, other than a conviction under 8 U.S.C. §§ 1325 or 1326.

[*Option A:* For purposes of applying subsection (b)(3), do not consider any conviction taken into account under subsection (b)(1) or (b)(2).] [*Option B:* A prior conviction taken into account under subsection (b)(1) or (b)(2) is not excluded from consideration under subsection (b)(3).]

4. *Departure Considerations.*

(A) In a case in which the applicable offense level substantially overstates or understates the seriousness of a prior conviction, a departure may be warranted.

(B) In a case in which the defendant has been removed multiple times prior to committing the instant offense, an upward departure may be warranted.''.

[*Option 3: Chapter Two, Part L, Subpart One, is amended by striking § 2L1.2 and its accompanying commentary and inserting the following:*

''§ 2L1.2. Unlawfully Entering or Remaining in the United States

(a) *Base Offense Level:* 8

(b) Specific Offense Characteristic

(1) (*Apply the Greatest*):

If the defendant previously was removed, deported, or unlawfully remained in the United States, after—

(A) a prior felony conviction for a national security offense or terrorism offense, increase by 20 levels;

(B) (i) a prior felony conviction for murder, rape, [kidnapping,] [a human trafficking offense,] a child pornography offense, or an offense of child sexual abuse; (ii) a prior felony conviction resulting in a sentence of imprisonment of at least 48 months; or (iii) two prior felony convictions each resulting in a sentence of imprisonment exceeding [12][13] months, increase by 16 levels;

(C) a prior felony conviction resulting in a sentence of imprisonment of at least 24 months, increase by 12 levels;

(D) a prior felony conviction resulting in a sentence of imprisonment exceeding [12][13] months, increase by 8 levels;

(E) a prior felony conviction not covered by subdivisions (A) through (D), or any three prior convictions each resulting in a sentence of imprisonment of at least 60 days, increase by 4 levels.

Commentary

Statutory Provisions: 8 U.S.C. 1325(a) (second or subsequent offense only), 8 U.S.C. 1326. For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. *Application of Subsection (b)(1).*—

(A) In General.—For purposes of subsection (b)(1):

(i) A defendant shall be considered to be deported after a conviction if the defendant has been removed or has departed the United States while an order of exclusion, deportation, or removal was outstanding.

(ii) A defendant shall be considered to be deported after a conviction if the deportation was subsequent to the conviction, regardless of whether the deportation was in response to the conviction.

(iii) A defendant shall be considered to have unlawfully remained in the United States if the defendant remained in the United States following a removal order issued after a conviction, regardless of whether the removal order was in response to the conviction.

(iv) Subsection (b)(1) does not apply to a conviction for an offense committed before the defendant was 18 years of age unless such conviction is classified as an adult conviction under the laws of the jurisdiction in which the defendant was convicted.

(B) *Definitions.—For purposes of subsection (b)(1):*

(i) ''Child pornography offense'' means an offense (I) described in 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, or 2260; or (II) under state or local law consisting of conduct that would have been an offense under any such section if the offense had occurred within the special maritime or territorial jurisdiction of the United States.

(ii) ''Felony'' means any federal, state, or local offense punishable by imprisonment for a term exceeding 12 months.

[(iii) ''Human trafficking offense'' means (I) any offense described in 18 U.S.C. §§ 1581, 1582, 1583, 1584, 1585, 1588, 1589, 1590, or 1591; or (II) an offense under state or local law consisting of conduct that would have been an offense under any such section if the offense had occurred within the special maritime and territorial jurisdiction of the United States.]

(iv) ''Murder'' means an offense (I) covered by § 2A1.1 (First Degree Murder) or § 2A1.2 (Second Degree Murder); or (II) under state or local law consisting of conduct that would have been an offense under 18 U.S.C. § 1111 if the offense had taken place within the territorial or maritime jurisdiction of the United States.

(v) ''National security offense'' means an offense covered by Chapter Two, Part M (Offenses Involving National Defense and Weapons of Mass Destruction).

(vi) ''Offense of child sexual abuse'' means an offense in which the victim had not attained the age of 18 years and that is any of the following: (I) an offense described in 18 U.S.C. § 2242;

(II) a forcible sex offense; or (III) sexual abuse of a minor, except that this term does not include statutory rape.

(vii) ''Sentence of imprisonment'' has the meaning given that term in Application Note 2 and subsection (b) of § 4A1.2 (Definitions and Instructions for Computing Criminal History), without regard to the date of the conviction. The length of the sentence imposed includes any term of imprisonment imposed upon revocation of probation, parole, or supervised release.

(viii) ''Terrorism offense'' means any offense involving, or intending to promote, a ''Federal crime of terrorism'', as that term is defined in 18 U.S.C. § 2332b(g)(5).

2. *Aiding and Abetting, Conspiracies, and Attempts.*—Prior convictions of offenses counted under subsection (b)(1) include the offenses of aiding and abetting, conspiracy to commit, and attempting to commit such offenses.

3. *Multiple Prior Sentences.*—Sentences of imprisonment are counted separately or as a single sentence as provided by § 4A1.2.

4. *Interaction with Chapter Four.*—A conviction taken into account under subsection (b)(1) is not excluded from consideration of whether that conviction receives criminal history points pursuant to Chapter Four, Part A (Criminal History).''.

Issue for Comment

1. Should any of the specific offense characteristics and departure provisions in one option be adopted by the Commission as part of another option? If so, which provisions should be incorporated into which option?

Court Security Improvement Act of 2007

8. *Issue for Comment*

1. The Commission requests comment regarding two new offenses created by the Court Security Improvement Act of 2007, Public Law 110–177. Specifically, the Commission requests comment regarding whether the Commission should amend Appendix A (Statutory Index) to refer these new provisions to existing guidelines, and if so, to what guideline(s) should each new offense be referenced?

The new provision at 18 U.S.C. 1521 prohibits the filing of, attempts, or conspiracies to file, any false lien or encumbrance against the real or personal property of officers or employees of the United States Government, on account of that individual's performance of official duties. The offense is punishable by a maximum term of 10 years of imprisonment. Are there existing guidelines that would be appropriate to cover violations of the new provision at 18 U.S.C. 1521? For example, should violations of 18 U.S.C. 1521 be referenced to § 2J1.2 (Obstruction of Justice), or alternatively or additionally to § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States)? What, if any, specific offense characteristics should be added? Should an application note be added instructing courts to apply § 3A1.2 (Official Victim)?

The new provision at 18 U.S.C. 119 prohibits the public disclosure of restricted personal information about a federal officer or employee, witness, juror, or the immediate family member of such persons, with the intent to threaten or facilitate a crime of violence against such person. The offense is punishable by a maximum term of 5 years of imprisonment. Are there existing guidelines that would be appropriate to cover violations of the new provision at 18 U.S.C. 119 (Protection of individuals performing certain official duties)? For example, should the new provision be referenced to § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information); or alternatively or additionally to the assault guidelines in Chapter Two, Part A (Offenses Against the Person)? What, if any, specific offense characteristics should be added? Should an application note be added instructing courts to apply § 3A1.2 (Official Victim)?

2. Section 209 of the Act directs the Commission to ''review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that circumstance should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made, the intended number of recipients of such threats, and whether the initial senders of such threats were acting in an individual capacity or as part of a larger group.'' How should the Commission respond to the directive? What are the aggravating circumstances in such offenses, and how should the Commission address those circumstances?

[FR Doc. E8–1425 Filed 1–25–08; 8:45 am]

BILLING CODE 2211–01–P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed amendments to the Sentencing Commission's Rules of Practice and Procedure. Request for public comment.

SUMMARY: This notice sets forth proposed amendments to the Commission's Rules of Practice and Procedure and a related issue for comment. The Commission invites public comment on these proposed amendments.

DATES: Public comment should be received by the Commission not later than March 28, 2008.

ADDRESSES: Send comments to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502–4590.

SUPPLEMENTARY INFORMATION: Section 995(a)(1) of title 28, United States Code, authorizes the Commission to establish general policies and promulgate rules and regulations as necessary for the Commission to carry out the purposes of the Sentencing Reform Act of 1984. The Commission originally adopted the Rules of Practice and Procedure in July 1997 and now proposes to make amendments to these rules as they pertain to retroactivity consideration. In accordance with Rule 1.2 of its Rules of Practice and Procedure, the Commission hereby invites the public to provide comment on the proposed amendments.

Authority: 28 U.S.C. 995(a)(1); USSC Rules of Practice and Procedure 1.2.

Ricardo H. Hinojosa,

Chair.

1. *Synopsis of Proposed Amendment:* This proposed amendment modifies the Commission's Rules of Practice and Procedure pertaining to retroactivity consideration. Currently, Rule 4.1 (Promulgation of Amendments) provides that ''in those cases in which the Commission considers an amendment for retroactive application to previously sentenced, imprisoned

defendants, it shall decide whether to make the amendment retroactive at the same meeting at which it decides to promulgate the amendment.''. Deciding whether to make an amendment retroactive at the same meeting at which the amendment is promulgated, however, often is impracticable. A complete retroactivity analysis typically cannot be prepared until the Commission has decided to promulgate a specific amendment option, which may not occur until the meeting at which the amendment is promulgated. Similarly, the public often cannot provide fully informed comment on possible retroactivity until the Commission has narrowed its consideration of a proposed amendment to a specific option, again a decision which may not occur until the meeting at which the amendment is promulgated. As a result, the proposed amendment deletes the requirement in Rule 4.1 that the retroactivity decision be made at the same meeting as promulgation of an amendment.

The proposed amendment also amends Rule 4.1 to more clearly set forth the Commission's statutory requirement to consider retroactivity under 28 U.S.C. 994(u).

The proposed amendment also modifies the process by which the Commission instructs staff to prepare a retroactivity impact analysis. Currently, Rule 2.2 (Voting Rules for Action by the Commission) provides that ''[t]he decision to instruct staff to prepare a retroactivity impact analysis for a proposed amendment shall require the affirmative vote of at least three members at a public meeting.'' The proposed amendment would delete this requirement by amending Rule 4.1 to provide that ''[p]rior to final action on the retroactive application of an amendment, staff shall prepare and the Commission shall review a retroactivity impact analysis of the amendment''. The proposed amendment therefore, deletes the procedural requirement that the Commission instruct staff to prepare a retroactivity analysis and instead requires that such an analysis be prepared prior to final action on retroactivity.

Finally, one issue for comment follows the proposed amendment.

Part II of the Rules of Practice and Procedure is amended in Rule 2.2 is amended in the third paragraph by striking the last sentence.

Part IV of the Rules of Practice and Procedure is amended in Rule 4.1 in the second paragraph by striking the last two sentences and inserting the following:

''The Commission shall, however, consider whether to give retroactive application to an amendment that reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses. See 28 U.S.C. 994(u). Prior to final action on the retroactive application of an amendment, staff shall prepare and the Commission shall review a retroactivity impact analysis of the amendment.''.

Issue for Comment

Should the Commission amend the Commission's Rules of Practice and Procedure to provide a specified time frame governing final action with respect to retroactive application of an amendment pursuant to 28 U.S.C. 994(u), and, if so, what should the time frame be? For example, should the rules provide a time frame that begins at the date of promulgation or the effective date of the amendment? Should the time frame specify a certain period of days by which final action should be taken, or should the time frame be more general in nature?

[FR Doc. E8–1426 Filed 1–25–08; 8:45 am]

BILLING CODE 2211–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing product number 6240.

SUMMARY: The U.S. Small Business Administration (SBA) is granting a waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Fluorescent Lamps, Incandescent Lamps, etc). The basis for waiver is that no small business manufacturers are supplying this class of product to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses; service-disabled veteran-owned small businesses or SBA's 8(a) Business Development Program.

DATES: This waiver is effective February 12, 2008.

FOR FURTHER INFORMATION CONTACT: Pamela M. McClam, Program Analyst, by telephone at (202) 205–7408; by FAX at (202) 481–4783; or by e-mail at *Pamela.McClam@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act, (Act) 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines ''class of products'' based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code required as a data entry field by the Federal Procurement Data System.

The SBA received a request on December 3, 2007, to waive the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Fluorescent Lamps, Incandescent Lamps, etc).

In response, on December 14, 2007, SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Fluorescent Lamps, Incandescent Lamps, etc). SBA explained in the notice that it was soliciting comments and sources of small business manufacturers of this class of products. No comments were received in response to this notice. SBA has determined that there are no small business manufacturers of this class of products, and is therefore granting the waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Fluorescent Lamps,

Incandescent Lamps, etc). NAICS code 335999 product number 6240.

Authority: 15 U.S.C. 637(a)(17).

Arthur E. Collins, Jr.,

Director for Government Contracting.

[FR Doc. 08–338 Filed 1–25–08; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing product number 6250.

SUMMARY: The U.S. Small Business Administration (SBA) is granting a waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Electric Lamp Starters and Lamp Holders, etc.).

The basis for waiver is that no small business manufacturers are supplying this class of product to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses; service-disabled veteran-owned small businesses or SBA's 8(a) Business Development Program.

DATES: This waiver is effective February 12, 2008.

FOR FURTHER INFORMATION CONTACT: Pamela M. McClam, Program Analyst, by telephone at (202) 205–7408; by Fax at (202) 481–4783; or by e-mail at *Pamela.McClam@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act, (Act) 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines ''class of products'' based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code required as a data entry field by the Federal Procurement Data System.

The SBA received a request on December 13, 2007, to waive the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Electric Lamp Starters and Lamp Holders, etc.).

In response, on December 28, 2007, SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Electric Lamp Starters and Lamp Holders, etc.). SBA explained in the notice that it was soliciting comments and sources of small business manufacturers of this class of products. No comments were received in response to this notice. SBA has determined that there are no small business manufacturers of this class of products, and is therefore granting the waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing (Electric Lamp Starters and Lamp Holders, etc.). NAICS code 335999 product number 6250.

Authority: 15 U.S.C. 637(a)(17).

Arthur E. Collins, Jr.,

Director for Government Contracting.

[FR Doc. E8–1400 Filed 1–25–08; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 6021]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

SUMMARY: The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 C Street, NW., Washington, DC, February 25–26, 2008, in Conference Room 1205. Prior notification and a valid government-issued photo ID (such as driver's license, passport, U.S. government or military ID) are required for entrance into the building. Members of the public planning to attend must notify Steven Galpern, Office of the Historian (202–663–1130) no later than February 21, 2008, to provide date of birth, valid government-issued photo identification number and type (such as driver's license number/state, passport number/country, or U.S. government ID number/agency or military ID number/branch), and relevant telephone numbers. If you cannot provide one of the enumerated forms of ID, please consult with Steven Galpern for acceptable alternative forms of picture identification.

The Committee will meet in open session from 1:30 p.m. through 3 p.m. on Monday, February 25, 2008, in the Department of State, 2201 C Street, NW., Washington, DC, in Conference Room 1205, to discuss declassification and transfer of Department of State records to the National Archives and Records Administration and the status of the *Foreign Relations* series. The remainder of the Committee's sessions from 3:15 p.m. until 4:30 p.m. on Monday, February 25, 2008, and 8 a.m. until 12 p.m. on Tuesday, February 26, 2008, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions of agency declassification decisions concerning the *Foreign Relations* series and other declassification issues. These are matters not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to Marc J. Susser, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20520, telephone (202) 663–1123, (e-mail *history@state.gov*).

Dated: January 14, 2008.

Marc Susser,

Executive Secretary, Department of State.

[FR Doc. E8–1435 Filed 1–25–08; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fuel Flowmeters Technical Standard Order TSO–C44d Revision

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability and request for public comment.

SUMMARY: This notice announces the availability of and request for public comments on the proposed revision of current Federal Aviation Administration (FAA) Technical Standard Order TSO–C44c, Fuel Flowmeters. The TSO tells manufacturers seeking a TSO authorization or letter of design approval what minimum performance standards (MPS) their Fuel Flowmeters must first meet for approval and identification with the applicable TSO markings.

DATES: Comments must be received on or before February 27, 2008.

ADDRESSES: Send all comments on the proposed revision to FAA TSO–44d to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Room 815, 800 Independence Avenue, SW., Washington, DC 20591. ATTN: Jim Kabbara, AIR–120. You may deliver comments to: Federal Aviation Administration, Room 815, 700 Independence Avenue, SW., Washington, DC 20591, or electronically submit comments to the following Internet address: *9-AWA-AVR-AIR-TSO44d-Comments@faa.gov.* Include in the subject line of your message the title of the document, Comments FAA TSO–44d, Fuel Flowmeter Technical Standard Order.

FOR FURTHER INFORMATION CONTACT: Jim Kabbara, Aerospace Engineer, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs and Continued Airworthiness Branch, AIR–120, Room 815, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 267–8001, FAX (202) 267–5340, or e-mail at: *jim.kabbara@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

You are invited to comment on the draft order listed order listed in this notice by sending such written data, views, or arguments to the above listed address. Please identify ''FAA TSO–44d, Fuel Flowmeters Technical Standard Order'' as the subject of your comments. You may also examine comments received on the proposals before and after the comment closing date at the FAA Headquarters Building, Room 815, 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. The Director of the Aircraft Certification Service will consider all communications received on or before the closing date before implementing the revision.

Background

The draft of Flowmeters TSO–44d rescinds the ''hazardous'' condition of paragraph 3b. The ''hazardous'' condition was added to revision c of TSO–44 dated 08/22/06. The proposed draft does not change any other existing requirement of TSO–44. The FAA developed this draft based on industry proposals.

How To Obtain Copies

You can get an electronic copy via the Internet at *http://rgl.faa.gov,* then select Technical Standard Orders and Index and chose ''Proposed'', or by contacting the person named in the paragraph **FOR FURTHER INFORMATION CONTACT.**

Dated: Issued in Washington, DC, on January 17, 2008.

David W. Hempe,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 08–319 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifth Meeting: RTCA Special Committee 210, Cabin Systems and Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 210, Cabin Management System.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 210, Cabin Management.

DATES: The meeting will be held January 29–31, 2008, from 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036, ARINC, Colson & Garmin Rooms.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. appendix 2), notice is hereby given for a Special Committee 210, Cabin Management Systems meeting. The agenda will include:

- January 29:
- Opening Plenary Session (Welcome, Introductions, and Administrative Remarks)
- Approval of Summary of the Fourth meeting held October 23–25, 2007. RTCA Paper No. 285–07/SC210–009 (Chair)
- PMC update (RTCA)
- Regulatory Update (Regulatory Agency):
- FAA
- Transport Canada
- EUROCAE/ICAO
- Reports from Working Groups (WG Chairs)
- Current status (accomplishments since last plenary)—Expect WG–3 to be complete and members to join WG–2
- Objectives for this plenary
- Review of WG Project Schedule
- Overall direction for Working Group (Chair)
- Organizational Items; leadership, WG structure, etc.
- Review of Committee Project Schedule
- Close Plenary Meeting
- Break-up for Specific Working Group Sessions
- Working Group 2, Cabin Management Function Classification
- Close out of day's activities
- Item for group discussion/resolution
- Review of tomorrow's activities
- January 30:
- Continue Specific Working Group Session
- Working Group 2, Cabin Management Function Classification
- Closeout of day's activities
- Items for group discussion/resolution
- Review of tomorrow's activities
- January 31:
- Continue Specific Working Group Sessions
- Working Group 2, Cabin Management Function Classification
- Convene to Continue Plenary Meeting
- Reports from Working Group Chairs
- Current status (accomplishments during plenary)
- Discussion/Resolution of outstanding issues
- Anticipated accomplishments by next plenary and plan to achieve
- Other Committee Business
- Discussion of documents creation and text writing assignments
- Document Structure/Review (Editor and Leadership Team)
- Review of Committee Project Schedule
- Terms of Reference—Review Status
- Assignment of Responsibilities
- Closing Plenary Session (Other Business, Establish Agenda for Next

Meeting, Date, and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 16, 2008.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 08–320 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventeenth Meeting: RTCA Special Committee 207/Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 207 Meeting, Airport Security Access Control Systems.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 207, Airport Security Access Control Systems.

DATES: The meeting will be held February 8, 2008, from 9:30 a.m.–4 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., Conference Rooms, 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 207 meeting. The agenda will include:

- Opening Plenary Session (Welcome, Introductions, and Administrative Remarks)
- Review of Meeting Summary
- Marine TWIC Update
- Document Overview Status
- Workgroup Sections
- Workgroup 1: Introduction
- Workgroup 2: Requirements and System Design
- Workgroup 3: Local Identity Management System
- Workgroup 4: Physical Access Control
- Workgroup 5: Intrusion Detection Systems
- Workgroup 6: Video Systems
- Workgroup 7: Security Operating Center
- Workgroup 8: Communications Infrastructure
- Workgroup 9: General Considerations
- Workgroup 10: Appendices/Glossary
- Closing Plenary Session (Other Business, Final Document Assembly Planning, Date and Place of Following Meetings).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 17, 2008.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 08–321 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on November 19, 2007 (72 FR 65128).

DATES: Comments must be submitted on or before February 27, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493–6292), or Ms. Gina Christodoulou, Office of Support Systems Staff, RAD–43, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law No. 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On November 19, 2007, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 72 FR 65128. FRA received no comments after issuing this notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection requirements (ICRs) and the expected burden. The proposed requirements are being submitted for clearance by OMB as required by the PRA.

Title: Safety Integration Plans.

OMB Control Number: 2130–0557.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): N/A.

Abstract: The Federal Railroad Administration (FRA) and the Surface Transportation Board (STB), working in conjunction with each other, issued joint final rules establishing procedures for the development and implementation of safety integration plans (''SIPs'' or ''plans'') by a Class I railroad proposing to engage in certain specified merger, consolidation, or acquisition of control transactions with another Class I railroad, or a Class II railroad with which it proposes to amalgamate operations. The scope of the transactions covered under the two rules is the same. FRA uses the information collected, notably the required SIPs, to maintain and promote a safe rail environment by ensuring that affected railroads (Class I's and some Class II's) address critical safety issues unique to the amalgamation of large, complex railroad operations.

Annual Estimated Burden Hours: 528 hours.

Title: Locomotive Crashworthiness.

OMB Control Number: 2130–0564.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): N/A.

Abstract: In a final rule published June 28, 2006, the Federal Railroad Administration (FRA) issued comprehensive standards for locomotive crashworthiness. These crashworthiness standards are intended to help protect locomotive cab occupants in the event of a locomotive collision. The collection of information is used by FRA to ensure that locomotive manufacturers and railroads meet minimum performance standards and design load requirements for newly manufactured and re-manufactured locomotives in order to help protect locomotive cab occupants in the event that one of these covered locomotives collides with another locomotive, the rear of another train, a piece of on-track equipment, a shifted load on a freight car on an adjacent parallel track, or a highway vehicle at a rail-highway grade crossing.

Annual Estimated Burden Hours: 6,672 hours.

Title: Safety Appliance Concern Recommendation Report; Guidance Checklist Forms.

OMB Control Number: 2130–0565.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): FRA F 6180.4(a)–(q).

Abstract: In an ongoing effort to conduct more thorough and more effective inspections of railroad freight equipment and to further enhance safe rail operations, FRA has developed a safety concern recommendation report form, and a group of guidance checklist forms that facilitate railroad, rail car owner, and rail equipment manufacturer compliance with agency Railroad Safety Appliance Standards regulations. In lieu of completing an official inspection report (Form FRA F 6180.96), which takes subject railroad equipment out of service and disrupts rail operations, Form FRA F 6180.4(a) enables Federal and State safety inspectors to report to agency headquarters systemic or other safety concerns. FRA headquarters safety specialists can then contact railroads, car owners, and equipment manufacturers to address the reported issue(s) and institute necessary corrective action(s) in a timely fashion without unnecessarily having to take affected rail equipment out of service, unless deemed defective. Forms FRA F 6180.4(b)–(q) are used in conjunction with the Special Inspection of Safety Appliance Equipment form (Form FRA F 6180.4) to assist Federal Motive, Power, and Equipment (MP&E) field inspectors in ensuring that critical sections of 49 CFR Part 231 (Railroad Safety Appliance Standards), pertaining to various types of freight equipment, are complied with through use of a check-off list. By simplifying their demanding work, check-off lists for 16 essential sections of Part 231 ensure that FRA MP&E field personnel completely and thoroughly inspect each type of freight car for compliance with its corresponding section in Part 231. The Guidance Checklist forms may later be used by state field inspectors as well. FRA believes that this collection of information will result in improved construction of newly designed freight cars and improved field inspections of all freight cars currently in use. This, in turn, will serve to reduce the number of accidents/incidents and corresponding injuries and fatalities that occur every year due to unsafe or defective equipment that was not promptly repaired/replaced.

Annual Estimated Burden Hours: 182 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, Attention: FRA Desk Officer, or via e-mail to OMB at the following address: *oira_submissions@omb.eop.gov*.

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on January 22, 2008.

D.J. Stadtler,

Director, Office of Financial Management, Federal Railroad Administration.

[FR Doc. E8–1365 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0013]

Tesla Motors, Inc.; Grant of Application for a Temporary Exemption From Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208

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

ACTION: Grant of Application for a Temporary Exemption from Certain Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208.

SUMMARY: This notice grants the Tesla Motors, Inc. (Tesla) application for a temporary exemption from certain advanced air bag requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*. The exemption applies to the Tesla Roadster vehicle. In accordance with 49 CFR part 555, the basis for the grant is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. The exemption will be effective for a period of three years.

The National Highway Traffic Safety Administration (NHTSA) published a notice of receipt of the application on July 31, 2007, and afforded an opportunity for comment.[1]

DATES: The exemption is effective immediately and remains in effect until January 28, 2011.

[1] *See* 72 FR 41814 (July 31, 2007), Docket Number NHTSA–2007–28821–1.

FOR FURTHER INFORMATION CONTACT: Mr. Ari Scott, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820; E-mail *ari.scott@dot.gov*.

I. Advanced Air Bag Requirements and Small Volume Manufacturers

In 2000, NHTSA upgraded the requirements for air bags in passenger cars and light trucks, requiring what are commonly known as ''advanced air bags.'' [2] The upgrade was designed to meet the goals of improving protection for occupants of all sizes, belted and unbelted, in moderate-to-high-speed crashes, and of minimizing the risks posed by air bags to infants, children, and other occupants, especially in low-speed crashes.

The advanced air bag requirements were a culmination of a comprehensive plan that the agency announced in 1996 to address the adverse effects of air bags. This plan also included an extensive consumer education program to encourage the placement of children in rear seats. The new requirements were phased in beginning with the 2004 model year.

Small volume manufacturers were not subject to the advanced air bag requirements until September 1, 2006, but their efforts to bring their respective vehicles into compliance with these requirements began several years ago. However, because the new requirements were challenging, major air bag suppliers concentrated their efforts on working with large volume manufacturers, and thus, until recently, small volume manufacturers had limited access to advanced air bag technology. Because of the nature of the requirements for protecting out-of-position occupants, ''off-the-shelf'' systems could not be readily adopted. Further complicating matters, because small volume manufacturers build so few vehicles, the costs of developing custom advanced air bag systems compared to potential profits discouraged some air bag suppliers from working with small volume manufacturers.

The agency has carefully tracked occupant fatalities resulting from air bag deployment. Our data indicate that the agency's efforts in the area of consumer education and manufacturers' providing depowered air bags were successful in reducing air bag fatalities even before advanced air bag requirements were implemented.

As always, we are concerned about the potential safety implication of any temporary exemptions granted by this agency. In the present case, we are addressing a petition for a temporary exemption from the advanced air bag requirements submitted by a manufacturer of an electric-powered, high-performance sports car.

II. Overview of Petition for Economic Hardship Exemption

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, Tesla has petitioned the agency for a temporary exemption from certain advanced air bag requirements of FMVSS No. 208. The basis for the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. The requested exemption would apply to Tesla Roadster model vehicles and would extend for a period of three years.

III. Statutory Background for Economic Hardship Exemptions

A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production did not exceed 10,000 vehicles, as determined by the NHTSA Administrator (49 U.S.C. 30113).

In determining whether a manufacturer of a vehicle meets that criterion, NHTSA considers whether a second vehicle manufacturer also might be deemed the manufacturer of that vehicle. The statutory provisions governing motor vehicle safety (49 U.S.C. Chapter 301) do not include any provision indicating that a manufacturer might have substantial responsibility as manufacturer of a vehicle simply because it owns or controls a second manufacturer that assembled that vehicle. However, the agency considers the statutory definition of ''manufacturer'' (49 U.S.C. 30102) to be sufficiently broad to include sponsors, depending on the circumstances. Thus, NHTSA has stated that an entity may be deemed to be a sponsor and thus a manufacturer of a vehicle assembled by a second manufacturer, if the sponsor had a substantial role in the development and manufacturing process of that vehicle.

Finally, while 49 U.S.C. 30113(b) states that exemptions from a Safety Act standard are to be granted on a ''temporary basis,'' [3] the statute also expressly provides for renewal of an exemption on reapplication. Manufacturers are nevertheless cautioned that the agency's decision to grant an initial petition in no way predetermines that the agency will repeatedly grant renewal petitions, thereby imparting semi-permanent exemption from a safety standard. Exempted manufacturers seeking renewal must bear in mind that the agency is directed to consider financial hardship as but one factor, along with the manufacturer's on-going good faith efforts to comply with the regulation, the public interest, consistency with the Safety Act, generally, as well as other such matters provided in the statute.

IV. Petition of Tesla and Notice of Receipt

Background. Tesla is a small, start-up motor vehicle manufacturer that was founded in California in July 2003. The company plans to produce its first model, the Tesla Roadster, shortly. Tesla is not affiliated with any other automobile manufacturer, and currently employs approximately 170 people in the United States, the United Kingdom, and Taiwan.

This application concerns the Tesla Roadster (the first model of vehicle that Tesla plans to produce) which as the company states will be an electric vehicle that will achieve the performance equivalent to a high performance car. The vehicle utilizes an energy storage system that provides power to the entire vehicle, and Tesla expects the vehicle will be able to travel approximately 200 miles on a single charge. To date, Tesla has not produced any vehicles for sale in the U.S. or other markets.

According to the petition, Tesla had originally planned to produce a vehicle that would comply with the advanced air bag requirements in effect since September 2006. The Tesla Roadster utilizes the chassis and several other systems of the Group Lotus plc (Lotus) Elise, which at the time of design was a vehicle that was intended to comply with the advanced air bag requirements by 2006. However, Lotus could not achieve compliance with the requirements by that date, and was granted an exemption for the Elise on August 31, 2006. This deprived Tesla of a FMVSS No. 208-compliant air bag system that could have been used in the Roadster.

The petitioner stated that it first became aware of Lotus's inability to obtain a compliant advanced air bag system in mid-2005, after it had committed to base the Roadster on the Elise platform. Tesla therefore argued that it tried in good faith, but cannot bring the vehicle into compliance with the advanced air bag requirements, and

[2] *See* 65 FR 30680 (May 12, 2000).

[3] 49 U.S.C. 30113(b)(1).

would incur substantial economic hardship if it cannot sell vehicles in the United States.

Eligibility. As discussed in the petition, Tesla is an independent company formed in 2003. The entire organization currently employs approximately 170 people. The Roadster will be manufactured under Tesla's supervision at Lotus's automobile factory in the United Kingdom. However, Lotus has no ownership interest in Tesla, and the reverse is likewise true. No other entity has an ownership interest in Tesla. Stated another way, Tesla is an independent automobile manufacturer which does not have any common control or is otherwise affiliated with any other vehicle manufacturer.

The company is a small volume manufacturer that has never produced any motor vehicles for sale. According to its current forecasts, Tesla anticipates that worldwide production of the Roadster would be approximately 800 vehicles in the first year of production, and projected production would be 3,000 vehicles per year in the two years after that. Tesla also expects to produce a second model of automobile, the White Star, beginning in 2010, but believes that the company's total production will be less than 10,000 vehicles per year during the duration of the exemption request.

As indicated earlier, a manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production did not exceed 10,000 vehicles, as determined by the NHTSA Administrator (49 U.S.C. 30113). Moreover, in determining whether a manufacturer of a vehicle meets that criterion, NHTSA considers whether a second vehicle manufacturer also might be deemed the manufacturer of that vehicle.

As we noted in our July 2007 notice of receipt of petition, in this case, it appears that Lotus, as well as Tesla, may be considered a manufacturer of the vehicle. Tesla indicated in its petition that in addition to utilizing the chassis and several other systems of the Lotus Elise, ''the Roadster will be manufactured under Tesla's supervision and direction at a factory owned by Lotus * * * .'' The term ''manufacturer'' is defined as a person ''manufacturing or assembling motor vehicles or motor vehicle equipment'' or ''importing motor vehicles or motor vehicle equipment for resale.'' See 49 U.S.C. 30102. It appears that Lotus is manufacturing or assembling the vehicles at issue in its factory under contract.

We noted, however, that Lotus is a small manufacturer, and NHTSA granted a temporary exemption regarding this same issue for the Lotus Elise. See 71 FR 52851; September 7, 2006. Moreover, the combined production of vehicles for Lotus and Tesla is fewer than 10,000 vehicles in the year preceding the petition. Therefore, we believed that Tesla, for purposes of this petition, was eligible for a hardship exemption. We also noted that as production of the Tesla vehicles proceeds, there could be an issue of whether combined production of Lotus' own vehicles and those it builds under contract may increase to more than 10,000 vehicles per year. The agency requested comments to assist it in further evaluating this situation; specifically, whether it should influence the eligibility for future exemptions, or the duration of the current exemption, if granted.

Requested exemption. Tesla stated that it intends to certify the Tesla Roadster as complying with the rigid barrier belted test requirement using the 50th percentile adult male test dummy set forth in S14.5.1(a) of FMVSS No. 208. The petitioner stated that it previously determined the Tesla Roadster's compliance with rigid barrier unbelted test requirements using tests of prototype vehicles. As such, Tesla requested an exemption for the Tesla Roadster from the advanced air bag requirements (S14), with the exception of the belted, rigid barrier provisions of S14.5.1(a); the rigid barrier test requirement using the 5th percentile adult female test dummy (belted and unbelted, S15); the offset deformable barrier test requirement using the 5th percentile adult female test dummy (S17); and the requirements to provide protection for infants and children (S19, S21, and S23).

Tesla did not make an explicit statement that it intends to comply with the advanced air bag requirements of the FMVSS upon the expiration of the temporary exemption period. We noted, however, that Lotus signaled such an intention in its petition for the Elise, and the Tesla Roadster uses the Elise's safety system.

Economic hardship. Publicly available information and also the financial documents submitted to NHTSA by the petitioner indicate that the Tesla Roadster project will result in financial losses unless Tesla obtains a temporary exemption. Over the period 2003–2006, Tesla has had net operational losses totaling over $43 million. As of the time of the application, Tesla has invested substantially on the design and development of the Tesla Roadster.

The company has stated that Lotus could not acquire or develop an advanced air bag system for the Elise, on which the advanced air bag system was to be designed, and furthermore that Tesla does not have the technical or financial resources to independently develop an advanced air bag system. As it does not have the ability to independently build or acquire an advanced air bag system, Tesla states that without an exemption, it will have to cancel its pending development of an electric-powered sedan, and would ultimately have to terminate its operations.

Good faith efforts to comply. As stated above, Tesla's compliance with the advanced air bag requirements are based upon the ability of Lotus to design or acquire an advanced air bag system. Tesla initially planned to produce vehicles that were fully compliant with all FMVSS requirements, but after it had committed to using the design and manufacturing facility of the Lotus Elise, Lotus determined that that vehicle could not be supplied with a compliant advanced air bag system. Tesla based its petition on Lotus's good faith efforts to comply with the requirements in its September 28, 2005 petition for exemption (Docket NHTSA–2006–25324–3). Tesla stated that it does not have the technical or financial resources to develop an advanced air bag system independent of Lotus, and will, therefore, need a similar exemption in order to produce Roadster models for the U.S. market. Tesla provided no further information in its petition on its own independent efforts beyond this statement.

Tesla argues that an exemption would be in the public interest. The petitioner put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest and would not have a significant adverse impact on safety. Specifically, Tesla argued that the vehicle will have a variant of the bonded aluminum chassis structure of the Lotus Elise, dual standard air bags, and pre-tensioning, load-limiting seat belts. Furthermore, the company emphasized that the Tesla Roadster will comply with all other applicable FMVSSs.

Moreover, the petitioner stated that the requested exemption will have a negligible impact on motor vehicle safety because of the limited number of vehicles sold. Tesla stated that it is unlikely that young children would be passengers in the Roadster, so an exemption from the advanced air bag requirements that are designed to

protect children will not create a significant safety issue. In addition, as with the Lotus Elise, the front passenger seat in the Roadster is fixed in its rearmost position, thereby reducing air bag risks to children and other passengers.

Tesla asserted that granting the exemption will benefit U.S. employment, companies, and citizens. Affected individuals include both Tesla's current employees as well as those who are likely to be involved in selling and servicing the Roadster and other future Tesla models. Furthermore, Tesla states that it has plans to open a manufacturing facility in the United States in 2009, with approximately 300 employees, a venture that will likely not go forward if the petition is denied.

V. Comments Regarding the Tesla Petition

The agency received four comments in response to the notice of receipt of petition. These comments came from Tesla, Group Lotus, Miles Automotive Group (Miles), and David H. Nguyen.

Miles Automotive Group was the only commenter that indicated it did not support the granting of the exemption. Miles stated that it is developing an electric vehicle that will meet all applicable NHTSA standards, including the advanced air bag provision. It is concerned that the granting of temporary exemptions to electric vehicles will affect the potential acceptance of those vehicles, as they may be perceived as less safe than gasoline-powered vehicles.

Miles asserted that the vehicle for which Tesla seeks exemption is far different from the vehicle for which Lotus has received a temporary exemption. This is based on the addition of the lithium ion cells in the Tesla Roadster, which will add substantially to the weight of the vehicle and the amount of energy that must be absorbed in the crash. Miles argued that the basic Lotus air bag system contained in the vehicle for which Lotus received a temporary exemption would yield far different results during testing had Lotus included in its vehicle the additional weight. Therefore, according to that company, the exemption for the Elise should not accrue to the Roadster, despite the two vehicles' similarity in design.

Mr. Nguyen indicated support for granting the petition for the following reasons. First, because of the limited number of cars that would be sold and the limited exemption period, the overall safety impact will be negligible. Second, most buyers of exotic automobiles such as those produced by Tesla do not use their vehicles on a daily basis for transportation due to practical considerations such as comfort and utility. As a result, the Roadster would be driven considerably less than the average vehicle. Mr. Nguyen estimated that, based on Fatality Analysis Reporting System (FARS) data, the exemption would not result in any additional fatalities. Third, Mr. Nguyen suggested that the Roadster is already reasonably safe considering that it is equipped with standard air bags, safety features that many vehicles on the road today still do not have. Finally, Mr. Nguyen stated that there is strong societal interest in having electric vehicles available for sale and use in the U.S., as it will reduce America's dependence on foreign oil and provide cleaner air.

Both Lotus and Tesla submitted comments responding to issues raised in NHTSA's notice of receipt of petition. Both companies asserted that Tesla was the sole manufacturer of the vehicle, and that Tesla and Lotus should be considered as unaffiliated companies with regard to the production of the Roadster.

In its comments, Lotus argued that it should not be considered the sponsor of the Tesla Roadster. It stated that in the past, NHTSA has not aggregated production with regard to eligibility concerns when two companies had an ownership link, and therefore should not aggregate for two companies with total ownership independence operating through arms-length contracts. Lotus also made several arguments demonstrating the operational independence of the two companies:

- The Elise was designed and engineered by Lotus long before Tesla even entered the picture.
- Tesla vehicles will be imported and sold both in the U.S. and elsewhere in the world by a dealer network totally independent of Lotus.
- The companies have totally independent management, sales and marketing personnel, after sales personnel, and headquarters; each has its own R&D and engineering staffs.
- The vehicles are vastly different—the Tesla Roadster is a Battery Electric Vehicle, whereas the current Lotus vehicles are all gasoline powered.

Tesla made several arguments in its comments. First, Tesla stated that the issue of whether a manufacturer's production rising above 10,000 vehicles per year during the term of the exemption is not relevant to that manufacturers' eligibility for a financial hardship exemption. Second, like Lotus, it argued that Tesla should be considered the manufacturer of the vehicle, and that Lotus should not be considered a sponsor. Third, Tesla argued that requiring the production of an assembler to be added to the production of a small independent vehicle manufacturer for exemption eligibility purposes would be contrary to the public interest.

Regarding the first issue, Tesla stated that the language of 49 U.S.C. 30113(d) is unambiguous, and that even if an eligible manufacturer's production increases above 10,000 during the term of an exemption, it would not act to void the exemption. Tesla stated that it is eligible for a hardship exemption under 49 U.S.C. 30113(d) because its ''production *in the most recent year of production* is not more than 10,000'' [emphasis added in Tesla's submission].

Tesla, like Lotus, also set forth an argument that Lotus should not be considered a manufacturer of the Tesla Roadster. Tesla argued that ''the fact that Lotus is also the assembler of the Roadster under an arm's length contract with Tesla does not affect Tesla's status as the manufacturer of the Roadster vehicles.'' The company also stated that under a series of interpretations addressing the concept of ''sponsorship,'' NHTSA has concluded that several entities, including those other than the assembler of the vehicle, can be considered the manufacturer. Tesla indicated that because the Roadster is built under its authority, and it maintains responsibility for the compliance, Tesla, and not Lotus, should be deemed the manufacturer.

Tesla also stated that the arms length dealings between themselves and Lotus and the independence of the two companies should mean that the companies' production totals should not be aggregated.

Finally, Tesla argued against aggregating the production numbers of an independent manufacturer to those of a contract assembler generally. Tesla argued that this would inhibit or preclude start-up companies, without production facilities, from obtaining hardship exemptions, since they would need to limit their search for an assembler to very small entities.

VI. Final Decision

The following discussion provides our decision regarding Tesla's temporary exemption request pertaining to the advanced air bag requirements of FMVSS No. 208.

We are granting Tesla's petition to be exempted from the following portions of the advanced air bag requirements of FMVSS No. 208: S14 (apart from section S14.5.1(a)), S15, S17, S19, S21, S23 and S25 of FMVSS No. 208. The exemption

does not extend to the provision requiring a belted 50th percentile male barrier impact test (S14.5.1(a)). In addition to certifying compliance with S14.5.1(a), Tesla must continue to certify to the unbelted 50th percentile barrier impact test in force prior to September 1, 2006 (S5.1.2(a)). We note that the unbelted sled test in S13 is an acceptable option for that requirement. The agency's rationale for this decision is as follows.

A. Issues Related to Eligibility

As discussed above, a manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production did not exceed 10,000 vehicles, as determined by the NHTSA Administrator (49 U.S.C. 30113). Moreover, in determining whether a manufacturer of a vehicle meets that criterion, NHTSA considers whether a second vehicle manufacturer also might be deemed the manufacturer of that vehicle.

In considering the issue of eligibility in the present situation, Tesla Motors does not currently manufacture any vehicles. Therefore, there is no issue as to whether it manufactures vehicles other than the Tesla Roadster. We believe the petitioner can be considered a manufacturer of the planned Tesla Roadster as a ''sponsor,'' even though the vehicle will be assembled by Lotus. Tesla designed the vehicle, supervises its assembly, and is responsible for compliance with applicable standards.

We next consider whether persons other than Tesla Motors can be considered to manufacture the Tesla Roadster. The answer is yes. Lotus will be a manufacturer of the Tesla Roadster by virtue of assembling it. See 49 U.S.C. 30102(a)(5).

Given that both Tesla Motors and Lotus can be considered manufacturers of the Tesla Roadster, there are a number of potential issues concerning how the agency should analyze the petition, e.g., whether to consider one or both companies with respect to the 10,000 vehicle limitation for eligibility, hardship, good faith efforts, etc.

As we noted in the notice of receipt, however, Lotus itself is a small manufacturer, and NHTSA granted a temporary exemption regarding this same issue for the Lotus Elise. See 71 FR 52851; September 7, 2006. This is the vehicle from which the Tesla Roadster obtains its chassis and various systems including air bag system. Also, Tesla Motors based its petition on Lotus's good faith efforts to comply with the requirements. Moreover, both Tesla Motors and Lotus separately meet the fewer than 10,000 vehicle limitation in the year preceding the petition, counting all vehicles they manufacture (including ones that may also be attributable to another manufacturer).

Given these factors, we believe Tesla Motors is eligible to apply for an economic hardship exemption, and we also believe that Lotus' role in the manufacture of the Roadster should not preclude Tesla's eligibility to receive an exemption.

In their comments, both Lotus and Tesla argued that Tesla should be considered the exclusive manufacturer of the Roadster. Both companies point to several examples where NHTSA concluded that a parent company of a smaller subsidiary would not be considered the manufacturer of the vehicle. For example, while Fiat (which would be ineligible for an exemption) owns Ferrari, we have stated that Fiat is not considered a manufacturer of Ferrari's vehicles because of the arms-length relationship and separation of resources between the two companies.[4] Both Lotus and Tesla argued that they have even less of an affiliation than the owner-subsidiary relationships we have analyzed in the context of other economic hardship petitions.

We believe that the discussion of owner-subsidiary relationships discussed in the Tesla and Lotus comments are not analogous to the situation in this case. In the previous instances, the parent company (e.g., Fiat) did not play a role (or played a minimal role) in the development of the vehicles at issue. There was no basis to consider the parent company a manufacturer of the vehicles in question other than the ownership interest between the companies. In that scenario, an analysis of the independent nature of the subsidiary company was in order.

More generally, in a situation where more than one company can be considered a manufacturer of a vehicle that is the subject of an economic hardship exemption, there are a number of potential issues that may arise related to eligibility. We believe it is unnecessary in responding to the petition before us to resolve how we would address all of these potential issues in other situations. Specifically, these issues happen to be moot in this instance; we will address these issues as necessary in the context of a specific petition or contemplated manufacturer relationship that is brought before us.

We note, however, that in considering the issue of eligibility it has been a longstanding practice for us to consider whether a second vehicle manufacturer also might be deemed a manufacturer of vehicles that are the subject of an economic hardship petition. If we were to consider a petition from a ''sponsor'' manufacturer without regard to the circumstances of the ''assembler'' manufacturer, large manufacturers could potentially avoid the statutory 10,000 vehicle limit by engaging in joint ventures with small companies and having the small company submit the petition. This is an issue we would carefully consider if we received such a petition. We also note that it has also long been our practice to consider all vehicles for which the petitioner might be considered a manufacturer. In a 2003 decision, for example, in considering the number of vehicles produced by Lotus for purposes of a petition for temporary exemption from certain requirements of FMVSS No. 201, we considered the vehicles it manufactured for Opel/Vauxhall.[5]

B. Merits of Tesla's Petition and Responses to Other Comments

In our September 2006 decision[6] granting the economic hardship petition for the Lotus Elise, we stated that the advanced air bag requirements present a unique challenge because they would require Lotus to completely redesign a major structural part of the extruded aluminum chassis in its vehicles. While Lotus was aware of the new requirements for some time, it was not able to introduce a fully compliant vehicle by September 2006 as originally intended. Accordingly, it was determined that the Elise model, designed for the European market, would need to be sold in the U.S. market in order to generate revenue for a successor vehicle that complies with all U.S. requirements, including the advanced air bag requirements of FMVSS No. 208. Although Lotus immediately engaged in homologation efforts, the company experienced a number of technical challenges precluding incorporation of advanced air bag into the Elise at that time. In the September 2006 document, we provided a discussion of why we believed that Lotus had made good faith efforts to bring the Elise into compliance with the applicable requirements until such time as it became apparent that there was no practicable way to do so.

As indicated earlier, the Tesla Roadster utilizes the chassis and several other systems of the Lotus Elise, which at the time of design was a vehicle that was intended to comply with the

[4] 55 FR 3785 (February 5, 1990).

[5] 68 FR 10066; March 3, 2003.

[6] 71 FR 52851, September 7, 2006.

advanced air bag requirements by 2006. However, Lotus could not achieve compliance with the requirements by that date, and was granted an exemption for the Elise in the decision published by NHTSA in September 2006. This deprived Tesla of a FMVSS No. 208-compliant air bag system that could have been used in the Roadster. Tesla indicated that it first became aware of Lotus's inability to obtain a compliant advanced air bag system in mid-2005, after it had committed to base the Roadster on the Elise platform.

Given these circumstances, including the linkage between the Lotus Elise and the Tesla Roadster, we believe it was reasonable for Tesla to rely on Lotus for designing a compliant air bag system. Moreover, by the time Tesla became aware that Lotus could not achieve compliance at the anticipated time, Tesla was already committed to basing the Roadster on the Elise platform. Finally, the technical problems faced by Lotus would have been even greater for Tesla, given the size of Tesla and the fact that it was basing the Roadster on a platform designed by Lotus. Therefore, it would not have been possible for Tesla to have separately designed a compliant air bag system for the Roadster at that time. Considering all of these factors, we believe Tesla made good faith efforts to bring the Roadster into compliance with the applicable requirements.

We also conclude that Tesla has demonstrated the requisite financial hardship. In this instance, denial of the petition would be likely to put Tesla out of business in the U.S. and potentially worldwide.

Traditionally, the agency has found that the public interest is served by affording consumers a wider variety of motor vehicles. Furthermore, the Tesla Roadster is one of the most advanced fully electric vehicles available. We believe that the public interest is served by encouraging the development of fuel-efficient and alternative-fueled vehicles.

We believe this exemption will have negligible impact on motor vehicle safety because of the limited number of vehicles affected and because each vehicle is likely to travel on public roads only infrequently.

The term of this exemption will be limited to three years and the agency anticipates that the Roadster will be sold in limited quantities. In total, based on Tesla's comment of August 29, 2007, we anticipate that Tesla will sell approximately 625 vehicles during the first year of the exemption, and 1,600 vehicles during each of the following two years. We anticipate that with the help of revenues derived from U.S. sales, Tesla will be able to develop its own production facilities, begin production of a fully-compliant, electric-powered sedan, and either bring the Roadster into compliance with all applicable safety standards or cease production of the vehicle.

We note that, as explained below, prospective purchasers will be notified that the vehicle is exempted from the specified advanced air bag requirements of Standard No. 208. Under § 555.9(b), a manufacturer of an exempted passenger car must affix securely to the windshield or side window of each exempted vehicle a label containing a statement that the vehicle conforms to all applicable FMVSSs in effect on the date of manufacture ''except for Standard Nos. [listing the standards by number and title for which an exemption has been granted] exempted pursuant to NHTSA Exemption No. _____.'' This label notifies prospective purchasers about the exemption and its subject. Under § 555.9(c), this information must also be included on the vehicle's certification label.

The text of § 555.9 does not expressly indicate how the required statement on the two labels should read in situations where an exemption covers part but not all of a FMVSS. In this case, we believe that a statement that the vehicle has been exempted from Standard No. 208 generally, without an indication that the exemption is limited to the specified advanced air bag provisions, could be misleading. A consumer might incorrectly believe that the vehicle has been exempted from all of Standard No. 208's requirements. Moreover, we believe that the addition of a reference to such provisions by number without an indication of its subject matter would be of little use to consumers, since they would not know the subject of those specific provisions. For these reasons, we believe the two labels should read in relevant part, ''except for S14.5.2, S15, S17, S19, S21, S23, and S25 [7] (Advanced Air Bag Requirements) of Standard No. 208, Occupant Crash Protection, exempted pursuant to * * *.'' We note that the phrase ''Advanced Air Bag Requirements'' is an abbreviated form of the title of S14 of Standard No. 208. We believe it is reasonable to interpret § 555.9 as requiring this language.

Miles Automotive raised two issues regarding potential adverse effects of granting the Tesla petition. First, it stated that the Tesla Roadster, while utilizing the same chassis as a Lotus Elise, is a substantially different vehicle. Among other attributes is the fact that with the electric power system, it is substantially heavier, and therefore there will be more energy that must be absorbed in the event of a crash. Second, Miles stated that while it supports the introduction of electric vehicles, it is concerned that electric vehicles released without meeting all FMVSSs will create the impression that electric vehicles are less safe than gasoline-powered vehicles, which will discourage their use and increase fuel consumption.

With regard to Miles' first concern, because the Tesla Roadster will be manufactured in limited quantities and because each vehicle is likely to be operated only on a limited basis, the agency believes the exemption will have a negligible impact on vehicle safety. The agency also notes that the vehicles subject to this exemption are required to comply with all applicable FMVSSs with the exception of certain advanced air bag requirements, and that it is equipped with dual air bags. Regardless of any weight changes to the vehicle and the possible amount of energy absorbed in crashes, Tesla will be required to certify that the Roadster is compliant with all applicable FMVSSs except for the limited exemptions specifically granted in this document. Among other requirements, the vehicle must comply with the belted, rigid barrier provisions of S14.5.1(a).

We also do not believe that granting a temporary exemption to the Tesla Roadster will have a negative impact on how safe electric-powered vehicles are in the minds of the American public. Miles has not presented any data indicating that consumers hearing that the Tesla Roadster has an exemption will assume that the exemption is for all electric vehicles, or that electric vehicles are generally less safe than gasoline-powered vehicles.

In consideration of the foregoing, we conclude that compliance with the advanced air bag requirements of FMVSS No. 208, *Occupant Crash Protection*, would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. We further conclude that granting of an exemption would be in the public interest and consistent with the objectives of traffic safety.

In accordance with 49 U.S.C. 30113(b)(3)(B)(i), Tesla Motors, Inc. is granted NHTSA Temporary Exemption No. EX 08–01, from S14 (apart from section S14.5.1(a)), S15, S17, S19, S21, S23, and S25 of FMVSS No. 208. The exemption shall remain for three years

[7] We note that while Tesla did not specifically include paragraph S25 in its petition, it did ask for an exemption from the ''advanced air bag requirements'' generally. We believe this to be an inadvertent omission.

as indicated in the **DATES** section of this notice.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: January 22, 2008.

Nicole Nason,

Administrator.

[FR Doc. E8–1359 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 10 a.m. to 11:30 a.m. on Thursday, February 14, 2008, at the Corporation's Administration Headquarters, Suite W32–300, 1200 New Jersey Avenue, SE., Washington, DC, via conference call. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Friday, February 8, 2008, Anita K. Blackman, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue, SE., Washington, DC 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on January 22, 2008.

Collister Johnson, Jr.,

Administrator.

[FR Doc. E8–1369 Filed 1–25–08; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Mutual to Stock Conversion Application

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before March 28, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov*. OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov*. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Patricia D. Goings, (202) 906–5668, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Mutual to Stock Conversion Application.

OMB Number: 1550–0014.

Form Numbers: 1680, 1681, 1682, and 1683.

Regulation requirement: 12 CFR Part 563b.

Description: The OTS staff makes an in-depth study of all information furnished in the application in order to determine the safety and soundness of the proposed stock conversion. The purpose of the information collection is to provide OTS with the information necessary to determine if the proposed transaction may be approved. If the information required were not collected, OTS would not be able to properly evaluate whether the proposed transaction was acceptable. The information collection allows OTS to evaluate the merits of the proposed conversion plan and application in light of applicable statutory and regulatory criteria.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit: Federal Government.

Estimated Number of Respondents: 8.

Estimated Number of Responses: 8.

Estimated Time per Respondent: 510 hours.

Estimated Frequency of Response: Other: Required once converting to stock form.

Estimated Total Burden: 4,080 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: January 23, 2008.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–1401 Filed 1–25–08; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Deposits and Savings Accounts by Office

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before March 28, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov*. OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov*. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Cheyann Houts (972) 277–9617, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Deposits and Savings Accounts by Office.

OMB Number: 1550–0004.

Form Number: 248.

Description: This survey provides the only financial information by individual branch offices for OTS-regulated institutions and is comparable to data collected by the FDIC for banks. The data is essential to determine market shares of institutions in local market areas, and is used for anti-competitive analysis by OTS, FDIC, FRB, OCC and DOJ. The information is also used for small geographic area analysis by OTS staff, other federal agencies, financial institutions and financial consultants. The information is collected annually through a completely automated process.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit: Federal Government.

Estimated Number of Respondents: 816.

Estimated Number of Responses: 816.

Estimated Time per Respondent: 30 minutes.

Estimated Frequency of Response: Annually.

Estimated Total Burden: 408 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: January 22, 2008.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–1402 Filed 1–25–08; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—General Reporting and Recordkeeping by Savings Associations

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The OTS within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before March 28, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov*. OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov*. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Josephine Battle (202) 906–6870, Office of Thrift Supervision,

1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: General Reporting and Recordkeeping by Savings Associations.

OMB Number: 1550–0011.

Form Number: N/A.

Description: Savings associations use the reports and records that the regulations require for internal management control purposes and examiners use them to determine whether savings associations are being operated safely, soundly, and in compliance with regulations. An absence of the reporting and record keeping requirements would not allow for prudent internal controls or for examiners to determine the accurate performance and condition of savings associations. Specifically, OTS examiners use the reports and record keeping requirements to determine whether the savings associations are being operated safely, soundly, and in compliance with regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 921.

Estimated Frequency of Response: On occasion.

Estimated Burden Hours per Response: Range between 15 minutes to 100 hours, average 19 hours.

Estimated Total Burden: 3,648,547.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–1403 Filed 1–25–08; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Amendment of a Savings Association Charter

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before March 28, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Patricia D. Goings, (202) 906–5668, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Amendment of a Savings Association Charter.

OMB Number: 1550–0018.

Form Numbers: N/A.

Regulation requirement: 12 CFR Parts 544.2 and 552.4.

Description: The charter of an insured federal savings association is a formal document created when a savings association establishes its corporate existence. The charter states the scope, purpose and duration for the corporate entity. Also, for a federally chartered savings association, the charter confirms that the board of directors has formally committed the institution to Section 5 of the Home Owners' Loan Act (''HOLA'') and other applicable statutes and regulations governing federally chartered savings associations.

All federally chartered savings associations are required to file charter amendment applications or notices with OTS. OTS Regional Office staff review the applications and notices to determine whether the charter amendments comply with the regulations and OTS policy.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 3.
Estimated Number of Responses: 3.
Estimated Time per Respondent: 6 hours.
Estimated Frequency of Response: Other: As needed.
Estimated Total Burden: 18 hours.
Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: January 22, 2008.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–1404 Filed 1–25–08; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Application Filing Requirements

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before March 28, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Patricia D. Goings, (202) 906–5668, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Application Filing Requirements.
OMB Number: 1550–0056.
Form Numbers: N/A.
Regulation Requirement: 12 CFR Parts 516.
Description: OTS regulations require that applications, notices, or other filings must be submitted to the appropriate Regional Office of OTS, unless specifically noted otherwise in the procedures for a particular filing. *See* 12 CFR 516.1(c). Section 516.1(c) requires applicants to file three appropriately marked copies of an application with the appropriate Regional Office. The applications are to clearly state the type of filing and contain all exhibits and other pertinent documents. Applications, notices, or other filings that raise an issue of policy or law require that two additional copies be submitted to the Applications Filing Room at OTS in Washington, DC.
Affected Public: Businesses or other for-profit: Federal Government.
Estimated Number of Respondents: 1,576.
Estimated Number of Responses: 1,576.
Estimated Time per Respondent: 10 minutes.
Estimated Frequency of Response: Other: As required.
Estimated Total Burden: 268 hours.
Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: January 22, 2008.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–1405 Filed 1–25–08; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Branch Offices

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before March 28, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, and NW., by

appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Patricia D. Goings, (202) 906–5668, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Branch Offices.

OMB Number: 1550–0006.

Form Numbers: 1450 and 1558.

Regulation requirement: 12 CFR Parts 516 and 545.

Description: Pursuant to 12 CFR 545.92, Federally chartered institutions are required to submit either an application or notice prior to establishing a branch office. 12 CFR 545.95 requires Federally chartered institutions to submit either an application or a notice prior to relocating an existing office facility. Such applications or notices must be in a form prescribed by OTS. OTS's Applications for Permission to Establish a Branch Office and Change of Location of an Office are designed to provide the minimum amount of information necessary to determine whether the request meets OTS's criteria for approval of these activities.

The applicant is required to publish notice of the filing of a branch application or notice in a newspaper printed in the English language. If, however, it is determined that the primary language of a significant number of adult residents of the community is other than English, the institution may be required to publish the notice simultaneously in the appropriate language(s). 12 CFR 516.80. The publication must occur no earlier than seven days before and no later than the date of filing of the application or notice. 12 CFR 516.60. If the transaction is a change of location or redesignation of the home office, the applicant shall post a notice of the application for 25 days from the date of the first publication in a prominent location in the office to be relocated or redesignated. 12 CFR 545.95.

Section 228 of the Federal Deposit Insurance Corporation Improvement Act of 1991 requires each insured depository institution to give 90 days prior written notice of any branch closing to its primary federal regulator and to branch customers. The notice to the regulator must include a detailed statement of the reasons for the decision to close the branch and information in support of those reasons.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit: Federal Government.

Estimated Number of Respondents: 584.

Estimated Number of Responses: 584.

Estimated Time per Respondent: 1 hour and 29 minutes for the application; 1 hour for Third Party Disclosure; and 10 minutes for a change application.

Estimated Frequency of Response: Other: Required once converting to stock form.

Estimated Total Burden: 4,080 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: January 22, 2008.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–1406 Filed 1–25–08; 8:45 am]

BILLING CODE 6720–01–P

Federal Register

Monday,
January 28, 2008

Part II

Department of Transportation

Federal Transit Administration

FTA Fiscal Year 2008 Apportionments and Allocations and Program Information; Notice

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Fiscal Year 2008 Apportionments and Allocations and Program Information

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: Division K of the ''Consolidated Appropriations Act, 2008'' (Pub. L. 110–161), signed into law by President Bush on December 26, 2007, makes funds available for all of the surface transportation programs of the Department of Transportation (DOT) for the Fiscal Year (FY) ending September 30, 2008. This notice provides information on the FY 2008 funding available for the Federal Transit Administration (FTA) assistance programs, and provides program guidance and requirements, and information on several program issues important in the current year. The notice also includes tables that show certain discretionary programs unobligated funding from previous years that will be available in FY 2008.

FOR FURTHER INFORMATION CONTACT: For general information about this notice contact Mary Martha Churchman, Director, Office of Transit Programs, at (202) 366–2053. Please contact the appropriate FTA regional office for any specific requests for information or technical assistance. The Appendix at the end of this notice includes contact information for FTA regional offices. An FTA headquarters contact for each major program area is also included in the discussion of that program in the text of the notice.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview
II. FY 2008 Funding for FTA Programs
A. Fiscal Year 2008 Funding Based on Consolidated Appropriations Act, 2008 and Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU)
B. Program Funds Set-Aside for Oversight
III. FY 2008 FTA Key Program Initiatives and Changes
A. SAFETEA–LU Implementation
B. Planning Emphasis Areas
C. Earmarks and Competitive Grant Opportunities
D. Changes in Flexible Funding Procedures
E. Changes in Match for Biodiesel Vehicles and Hybrid Retrofits
F. National Transit Database (NTD) Strike Policy
IV. FTA Programs
A. Metropolitan Planning Program (49 U.S.C. 5303)
B. Statewide Planning Program (49 U.S.C. 5304)
C. Urbanized Area Formula Program (49 U.S.C. 5307)
D. Clean Fuels Grant Program (49 U.S.C. 5308)
E. Capital Investment Program (49 U.S.C. 5309)—Fixed Guideway Modernization
F. Capital Investment Program (49 U.S.C. 5309)—Bus and Bus-Related Facilities
G. Capital Investment Program (49 U.S.C. 5309)—New Starts
H. Special Needs of Elderly Individuals and Individuals With Disabilities Program (49 U.S.C. 5310)
I. Nonurbanized Area Formula Program (49 U.S.C. 5311)
J. Rural Transportation Assistance Program (49 U.S.C. 5311(b)(3))
K. Public Transportation on Indian Reservation Program (49 U.S.C. 5311(c))
L. National Research Program (49 U.S.C. 5314)
M. Job Access and Reverse Commute Program (49 U.S.C. 5316)
N. New Freedom Program (49 U.S.C. 5317)
O. Alternative Transportation in Parks and Public Lands (49 U.S.C. 5320)
P. Alternatives Analysis Program (49 U.S.C. 5339)
Q. Growing States and High Density States Formula Factors (49 U.S.C. 5340)
R. Over-the-Road Bus Accessibility Program (49 U.S.C. 5310 note)
V. FTA Policy and Procedures for FY 2008 Grants Requirements
A. Automatic Pre-Award Authority To Incur Project Costs
B. Letter of No Prejudice (LONP) Policy
C. FTA FY 2008 Annual List of Certifications and Assurances
D. FHWA Funds Used for Transit Purposes
E. Grant Application Procedures
F. Payments
G. Oversight
H. Technical Assistance
Tables
1. FTA FY 2008 APPROPRIATIONS AND APPORTIONMENTS FOR GRANT PROGRAMS
2. FTA FY 2008 SECTION 5303 METROPOLITAN TRANSPORTATION PLANNING PROGRAM AND SECTION 5304 STATEWIDE TRANSPORTATION PLANNING PROGRAM APPORTIONMENTS
3. FTA FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS
4. FTA FY 2008 SECTION 5307 APPORTIONMENT FORMULA
5. FTA FY 2008 FORMULA PROGRAMS APPORTIONMENTS DATA UNIT VALUES
6. FTA FY 2008 SMALL TRANSIT INTENSIVE CITIES PERFORMANCE DATA AND APPORTIONMENTS
7. FTA FY 2008 SECTION 5308 CLEAN FUELS PROGRAM ALLOCATIONS
8. FTA PRIOR YEAR UNOBLIGATED SECTION 5308 CLEAN FUELS ALLOCATIONS
9. FTA FY 2008 SECTION 5309 FIXED GUIDEWAY MODERNIZATION APPORTIONMENTS
10. FTA FY 2008 FIXED GUIDEWAY MODERNIZATION PROGRAM APPORTIONMENT FORMULA
11. FTA FY 2008 SECTION 5309 BUS AND BUS-RELATED ALLOCATIONS
12. FTA PRIOR YEAR UNOBLIGATED SECTION 5309 BUS AND BUS-RELATED FACILITIES ALLOCATIONS AS OF SEPTEMBER 30, 2007
13. FTA FY 2008 SECTION 5309 NEW STARTS ALLOCATIONS
14. FTA PRIOR YEAR UNOBLIGATED SECTION 5309 NEW STARTS ALLOCATIONS
15. FTA FY 2008 SPECIAL NEEDS FOR ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES APPORTIONMENTS
16. FTA FY 2008 SECTION 5311 AND SECTION 5340 NONURBANIZED APPORTIONMENTS, AND SECTION 5311(b)(3) RURAL TRANSIT ASSISTANCE PROGRAM (RTAP) APPORTIONMENTS
17. FTA FY 2008 NATIONAL RESEARCH PROGRAM ALLOCATIONS
18. FTA FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE (JARC) APPORTIONMENTS
19. FTA PRIOR YEAR UNOBLIGATED JOB ACCESS AND REVERSE COMMUTE ALLOCATIONS
20. FTA FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS
21. FTA PRIOR YEAR UNOBLIGATED SECTION 5339 ALTERNATIVE ANALYSIS ALLOCATIONS
Appendix

I. Overview

This document apportions or allocates the FY 2008 funds available under Division K of the Consolidated Appropriations Act, 2008 (Pub. L. 110–161, December 26, 2007), among potential program recipients according to statutory formulas in 49 U.S.C. Chapter 53 or congressional designations in Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The notice does not include allocations of projects designated bus category funds or alternative analysis funds in the committee reports accompanying the FY 2008 Consolidated Appropriations Act. It also does not include extended or redirected project funds identified in those reports or the most recent congressional clarification letter dated December 19, 2007. FTA will issue a supplemental notice at a later date regarding these projects.

For each FTA program included in this notice, we have provided relevant information on the FY 2008 funding currently available, program requirements, period of availability, and other related program information and highlights, as appropriate. A separate section of the document provides information on program requirements

and guidance that are applicable to all FTA programs.

II. FY 2008 Funding for FTA Programs

A. Funding Based on Division K of the Consolidated Appropriations Act, 2008 (Pub. L. 110–161, December 26, 2007) and SAFETEA–LU Authorization

Division K of the Consolidated Appropriations Act, 2008 (Pub. L. 110–161, December 26, 2007); hereafter called the Consolidated Appropriations Act, 2008, provides general funds and obligation authority for trust funds that total $9.5 billion for FTA programs, through September 30, 2008. Table 1 of this document shows the funding for the FTA programs, as provided for in the Consolidated Appropriations Act, 2008, and the reallocation to the programs of any prior year unobligated funds. All Formula Programs and the section 5309 Bus and Bus Facilities Program are funded entirely from the Mass Transit Account of the Highway Trust Fund in FY 2008. The section 5309 New Starts program, the Research program, and FTA administrative expenses are funded by appropriations from the General Fund of the Treasury.

Congress has enacted a full year Consolidated Appropriations Act, 2008. This **Federal Register** notice includes tables of apportionments and allocations for FTA programs based on that Act. Allocations based on SAFETEA–LU are also included for some discretionary programs. In addition, at a later date, FTA may allocate remaining discretionary funds not earmarked in SAFETEA–LU or that were designated in the report accompanying the Consolidated Appropriations Act, 2008.

B. Program Funds Set-Aside for Project Management Oversight

FTA uses a percentage of funds appropriated to certain FTA programs for program oversight activities conducted by the agency. The funds are used to provide necessary oversight activities, including oversight of the construction of any major capital project under these statutory programs; to conduct safety and security, civil rights, procurement, management, planning certification reviews, financial reviews and audits, as well as evaluations and analyses of grantee specific problems and issues; and to provide technical assistance to correct deficiencies identified in compliance reviews and audits.

Section 5327 of title 49 U.S.C., authorizes the takedown of funds from FTA programs for project management oversight. Section 5327 provides oversight takedowns at the following levels: 0.5 percent of Planning funds, 0.75 percent of Urbanized Area Formula funds, 1 percent of Capital Investment funds, 0.5 percent of Special Needs of Elderly Individuals and Individuals with Disabilities formula funds, 0.5 percent of Nonurbanized Area Formula funds, and 0.5 percent of Alternative Transportation in the Parks and Public Lands funds.

III. FY 2008 FTA Program Initiatives and Changes

A. SAFETEA–LU Implementation

In FY 2008, FTA continues to focus on implementation of SAFETEA–LU through issuance of new and revised program guidance and regulations. Before any documents that place binding obligations on grantees are finalized and issued, FTA makes them available for public comment. We encourage grantees to regularly check the FTA Web site at *http://www.fta.dot.gov* and the U.S. Government docket management Web site at *http://regulations.gov* for new issuances and to comment to the docket established for each document on relevant issues.

B. Planning Emphasis Areas

In recognition of the priority planning organizations and grantees are giving to the implementation of the new and changed provisions of SAFETEA–LU, FTA and the Federal Highway Administration (FHWA) are not issuing new planning emphasis areas for FY 2008, and have rescinded planning emphasis areas from prior years.

C. Earmarks and Competitive Grant Opportunities

SAFETEA–LU contained statutory earmarks under several programs, and these are listed in the tables in this Notice. FTA will honor the statutory earmarks. In addition, this notice includes tables of unobligated balances for earmarks from previous years under the Bus and Bus Facilities Program, the New Starts Program, the Clean Fuels Program, and the Alternatives Analysis Program. FTA will continue to honor those earmarks. FTA will supplement this notice, at a later date, to provide any additional discretionary allocations of funds made available in FY 2008 and any prior year earmarks that FTA determines to extend or reprogram based on language in the report that accompanied the Consolidated Appropriations Act, 2008, or the Congressional clarification letter of December 19, 2007, once the Department has examined the requests.

D. Changes in Flexible Funding Procedures

Obligation authority for flexible funds, high priority projects and other transit projects in Title 23 U.S.C. is transferred to FTA when it is determined that FTA will administer the project. The liquidating cash, however, is transferred between Federal accounts only as needed to ensure that adequate funds are available for disbursement on a timely basis. In order to track the cash flow more closely, FTA no longer combines funds transferred from FHWA into a single grant with FTA funds in the program to which they are transferred. FTA has established codes and procedures for grants involving funds transferred from FHWA. Grantees can contact the appropriate regional office for assistance.

E. Changes in Match for Biodiesel Vehicles and Hybrid Retrofits

Section 164 of the Consolidated Appropriations Act, 2008, allows a 90 percent Federal share for biodiesel buses and for the net capital cost of factory-installed or retrofitted hybrid electric propulsion systems and any equipment related to such a system. This increased federal share is a cross-cutting provision and is applicable across FTA programs for any grants awarded during FY 2008 regardless of what fiscal year funding is used. Grantees may apply for a 90 percent Federal share for the entire cost of a biodiesel bus, but only for the cost of the propulsion system and related equipment in the case of the hybrid electric systems, not for 90 percent of the cost of the entire vehicle. In lieu of calculating the costs of the equipment separately, grantees may apply for 83 percent of the cost of the vehicle.

F. National Transit Database (NTD) Strike Policy

It has previously been FTA's policy not to make adjustments to the NTD data used for the apportionment of urbanized area formula grants for purposes of offsetting the effects of strikes, labor disputes, or work stoppages. FTA has changed this policy, retroactive to NTD Report Year (RY) 2005 data. FTA will now make ''hold harmless'' adjustments in the NTD data used for the apportionment of urbanized area formula grants to offset the effects of strikes, labor disputes, or work stoppages. One agency received such an adjustment to their RY 2006 NTD data for use in the FY 2008 apportionment. Any other agency that has had a valid strike, labor dispute or work stoppage

during RY 2005, RY 2006, or RY 2007 may request an adjustment to their RY 2007 data for use in the FY 2009 apportionment. Agencies experiencing a valid strike, labor dispute, or work stoppage in subsequent years must file a request for such an adjustment along with their NTD submission for that year.

Instructions for requesting a ''hold harmless'' adjustment can be found in the 2007 NTD Reporting Manual, available at *http://www.ntdprogram.gov,* under the section on ''Waivers.''

IV. FTA Programs

This section of the notice provides available FY 2008 funding and other important program-related information for the three major FTA funding accounts included in the notice (Formula and Bus Grants, Capital Investment Grants, and Research). Of the 17 separate FTA programs contained in this notice that fall under the major program area headings, the funding for ten is apportioned by statutory or administrative formula. Funding for the other seven is allocated on a discretionary or competitive basis.

Funding and other important information for each of the 17 programs is presented immediately below. This includes program apportionments or allocations, certain program requirements, length of time FY 2008 funding is available to be obligated, and other significant program information pertaining to FY 2008, including the availability of competitive opportunities under several programs.

A. Metropolitan Planning Program (49 U.S.C. 5303) (Table 2)

Section 5305(d) authorizes federal funding to support a cooperative, continuous, and comprehensive planning program for transportation investment decision-making at the metropolitan area level. The specific requirements of metropolitan transportation planning are set forth in 49 U.S.C. 5303 and further explained in 23 CFR Part 450 as referenced in 49 CFR Part 613. State Departments of Transportation are direct recipients of funds, which are then allocated to Metropolitan Planning Organizations (MPOs) by formula, for planning activities that support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; increasing the safety and security of the transportation system for motorized and non-motorized users; increasing the accessibility and mobility options available to people and for freight; protecting and enhancing the environment, promoting energy conservation, and improving quality of life; enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight; promoting efficient system management and operation; and emphasizing the preservation of the existing transportation system. For more about the Metropolitan Planning Program, contact Candace Noonan, Office of Planning and Environment at (202) 366–1648.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $88,510,400 to the Metropolitan Planning Program (49 U.S.C. 5305(d) to support metropolitan transportation planning activities set forth in 49 U.S.C. 5303. The total amount apportioned for the Metropolitan Planning Program (to States for MPOs' use in urbanized areas (UZAs) is $88,229,721, as shown in the table below, after the deduction for oversight and the addition of prior year reapportioned funds.

METROPOLITAN TRANSPORTATION PLANNING PROGRAM

Total Appropriation	$88,510,400
Oversight Deduction	−442,552
Prior Year Funds Added	161,873
Total Apportioned	88,229,721

States' apportionments for this program are displayed in Table 2.

2. Basis for Formula Apportionments

As specified in law, 82.72 percent of the amounts authorized for Section 5305 are allocated to the Metropolitan Planning program. FTA allocates Metropolitan Planning funds to the States according to a statutory formula. Eighty percent of the funds are distributed to the States as a basic allocation based on each State's UZA population, based on the most recent decennial Census. The remaining 20 percent is provided to the States as a supplemental allocation based on an FTA administrative formula to address planning needs in the larger, more complex UZAs. The amount published for each State is a combined total of both the basic and supplemental allocation.

3. Program Requirements

The State allocates Metropolitan Planning funds to MPOs in UZAs or portions thereof to provide funds for projects included in an annual work program (the Unified Planning Work Program, or UPWP) that includes both highway and transit planning projects. Each State has either reaffirmed or developed, in consultation with their MPOs, a new allocation formula, as a result of the 2000 Census. The State allocation formula may be changed annually, but any change requires approval by the FTA regional office before grant approval. Program guidance for the Metropolitan Planning Program is found in FTA Circular C8100.1B, Program Guidance and Application Instructions for Metropolitan Planning Program Grants, dated October 25, 1996. FTA is in the process of updating this circular to incorporate references to the new and changed planning requirements as set forth in SAFETEA–LU and implementing regulations.

4. Period of Availability

The funds apportioned under the Metropolitan Planning program remain available to be obligated by FTA to recipients for four fiscal years which includes the year of apportionment plus three additional years. Any apportioned funds that remain unobligated at the close of business on September 30, 2011, will revert to FTA for reapportionment under the Metropolitan Planning Program.

5. Other Program or Apportionment Related Information and Highlights

a. Planning Emphasis Areas (PEAs). FTA and FHWA are not issuing new PEAs this year, and are rescinding PEAs issued in prior years, in light of the priority given to implementation of SAFETEA–LU planning and program provisions.

b. Consolidated Planning Grants. FTA and FHWA planning funds can be consolidated into a single consolidated planning grant (CPG), awarded by either FTA or FHWA. The CPG eliminates the need to monitor individual fund sources, if several have been used, and ensures that the oldest funds will always be used first. Unlike ''flex funds,'' State planning funds from FHWA may be combined with FTA planning funds in a single grant. Alternatively FTA planning funds can be transferred to FHWA for administration.

Under the CPG, States can report metropolitan planning expenditures (to comply with the Single Audit Act) for both FTA and FHWA under the Catalogue of Federal Domestic Assistance number for FTA's Metropolitan Planning Program (20.505). Additionally, for States with an FHWA Metropolitan Planning (PL) fund-matching ratio greater than 80 percent, the State can waive the 20 percent local share requirement, with FTA's concurrence, to allow FTA funds

used for metropolitan planning in a CPG to be granted at the higher FHWA rate. For some States, this Federal match rate can exceed 90 percent.

States interested in transferring planning funds between FTA and FHWA should contact the FTA regional office or FHWA Division Office for more detailed procedures.

For further information on CPGs, contact Kristen Clarke, Office of Budget and Policy, FTA, at (202) 366–1686, or Kenneth Petty, Office of Planning and Environment, FHWA, at (202) 366–6654. For information regarding CPGs, Metropolitan planning, or Statewide planning, contact Candace Noonan, Office of Planning and Environment, FTA, at (202) 366–1646.

B. Statewide Planning Program (49 U.S.C. 5304)

This program provides financial assistance to States for Statewide transportation planning and other technical assistance activities (including supplementing the technical assistance program provided through the Metropolitan Planning program), planning support for nonurbanized areas, research, development and demonstration projects, fellowships for training in the public transportation field, university research, and human resource development. The specific requirements of Statewide transportation planning are set forth in 49 U.S.C. 5304 and further explained in 23 CFR part 450 as reference in 49 CFR part 613. For more about the Statewide Planning and Research Program contact Candace Noonan, Office of Planning and Environment, at (202) 366–1648.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $18,489,600 to the Statewide Planning and Research Program (49 U.S.C. 5304). The total amount apportioned for the Statewide Planning and Research Program (SPRP) is $18,399,717, as shown in the table below, after the deduction for oversight (authorized by 49 U.S.C. 5327) and addition of prior year reapportioned funds.

STATEWIDE TRANSPORTATION PLANNING PROGRAM

Total Appropriation	$18,489,600
Oversight Deduction	−92,448
Prior Year Funds Added	2,565
Total Apportioned	18,399,717

State apportionments for this program are displayed in Table 2.

2. Basis for Apportionment Formula

As specified in law, 17.28 percent of the amounts authorized for Section 5305 are allocated to the Statewide Planning and Research program. FTA apportions funds to States by a statutory formula that is based on the most recent decennial Census, and the State's UZA population as compared to the UZA population of all States.

3. Requirements

Funds are provided to States for Statewide planning and research programs. These funds may be used for a variety of purposes such as planning, technical studies and assistance, demonstrations, management training, and cooperative research. In addition, a State may authorize a portion of these funds to be used to supplement Metropolitan Planning funds allocated by the State to its UZAs, as the State deems appropriate. Program guidance for the Statewide Planning and Research program is found in FTA Circular C8200.1, Program Guidance and Application Instructions for State Planning and Research Program Grants, dated December 27, 2001. FTA is in the process of updating this circular to incorporate the new and changed planning requirements in sections 5304 and 5305, as set forth in SAFETEA-LU and implementing regulations.

4. Period of Availability

The funds apportioned under the Statewide Planning and Research program remain available to be obligated by FTA to recipients for four fiscal years—which include the year of apportionment plus three additional fiscal years. Any apportioned funds that remain unobligated at the close of business on September 30, 2011, will revert to FTA for reapportionment under the Statewide Planning and Research Program.

5. Other Program or Apportionment Related Information and Highlights

The information about Planning Emphasis Areas and CPGs described in section A.5, above for the Metropolitan Planning Program (49 U.S.C. 5303), also applies to the Statewide Planning Program.

C. Urbanized Area Formula Program (49 U.S.C. 5307)

Section 5307 authorizes Federal capital and operating assistance, in some cases, for transit in Urbanized Areas (UZAs). A UZA is an area with a population of 50,000 or more that has been defined and designated as such in the most recent decennial Census by the U.S. Census Bureau. The Urbanized Area Formula Program funds may also be used to support planning activities, and may supplement to planning projects funded under the Metropolitan Planning program described above. Urbanized Areas Formula Program funds used for planning must be shown in the UPWP for MPO(s) with responsibility for that area. Funding is apportioned directly to each UZA with a population of 200,000 or more, and to the State Governors for UZAs with populations between 50,000 and 200,000. Eligible applicants are limited to entities designated as recipients in accordance with 49 U.S.C. 5307(a)(2) and other public entities with the consent of the Designated Recipient. Generally, operating assistance is not an eligible expense for UZAs with populations of 200,000 or more. However, there are several exceptions to this restriction. The exceptions are described in section 2 (e) below.

For more information about the Urbanized Area Formula Program contact Scott Faulk, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $3,910,843,000 to the Urbanized Area Formula Program (49 U.S.C. 5307). The total amount apportioned for the Urbanized Area Formula Program is $4,259,697,438 as shown in the table below, after the 0.75 percent deduction for oversight (authorized by 49 U.S.C. 5327) and including prior year reapportioned funds and funds apportioned to UZAs from the appropriation for section 5340 for Growing States and High Density States.

URBANIZED AREA FORMULA PROGRAM

Total Appropriation	[a] $3,910,843,000
Oversight Deduction	−29,331,323
Prior Year Funds Added	9,026,596
Section 5340 Funds Added	369,159,165
Total Apportioned	4,259,697,438

[a] One percent set-aside for Small Transit Intensive Cities Formula.

Table 3 displays the amounts apportioned under the Urbanized Area Formula Program.

2. Basis for Formula Apportionment

FTA apportions Urbanized Area Formula Program funds based on legislative formulas. Different formulas apply to UZAs with populations of 200,000 or more and to UZAs with populations less than 200,000. For UZAs with 50,000 to 199,999 in population, the formula is based solely

on population and population density. For UZAs with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles, bus passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles, as well as population and population density. Table 4 includes detailed information about the formulas.

To calculate a UZA's FY 2008 apportionment, FTA used population and population density statistics from the 2000 Census and (when applicable) validated mileage and transit service data from transit providers' 2006 National Transit Database (NTD) Report Year. Pursuant to 49 U.S.C. 5336(b), FTA used 60 percent of the directional route miles attributable to the Alaska Railroad passenger operations system to calculate the apportionment for the Anchorage, Alaska UZA.

We have calculated dollar unit values for the formula factors used in the Urbanized Area Formula Program apportionment calculations. These values represent the amount of money each unit of a factor is worth in this year's apportionment. The unit values change each year, based on all of the data used to calculate the apportionments. The dollar unit values for FY 2008 are displayed in Table 5. To replicate the basic formula component of a UZA's apportionment, multiply the dollar unit value by the appropriate formula factor (i.e., the population, population x population density), and when applicable, data from the NTD (i.e., route miles, vehicle revenue miles, passenger miles, and operating cost).

In FY 2008, one percent of funds appropriated for section 5307, $39,108,430, is set aside for Small Transit Intensive Cities (STIC). FTA apportions these funds to UZAs under 200,000 in population that operate at a level of service equal to or above the industry average level of service for all UZAs with a population of at least 200,000, but not more than 999,999, in one or more of six performance categories: passenger miles traveled per vehicle revenue mile, passenger miles traveled per vehicle revenue hour, vehicle revenue miles per capita, vehicle revenue hours per capita, passenger miles traveled per capita, and passengers per capita.

The data for these categories for the purpose of FY 2008 apportionments comes from the NTD reports for the 2006 reporting year. This data is used to determine a UZA's eligibility under the STIC formula, and is also used in the STIC apportionment calculations. Because these performance data change with each year's NTD reports, the UZAs eligible for STIC funds and the amount each receives may vary each year. In FY 2008, FTA apportioned $125,348 for each performance factor/category for which the urbanized area exceeded the national average for UZAs with a population of at least 200,000 but not more than 999,999.

In addition to the funds apportioned to UZAs, according to the section 5307 formula factors contained in 49 U.S.C. 5336, FTA also apportions funds to urbanized areas under section 5340 Growing States and High Density States formula factors. In FY 2008, FTA apportioned $150,159,165 to 453 UZA's in all 50 States and $219,000,000 to 46 UZAs in seven High Density States. Half of the funds appropriated for section 5340 are available to Growing States and half to High Density States. FTA apportions Growing States funds by a formula based on State population forecasts for 15 years beyond the most recent Census. FTA distributes the amounts apportioned for each State between UZAs and nonurbanized areas based on the ratio of urbanized/nonurbanized population within each State in the 2000 census, and to UZAs proportionately based on UZA population in the 2000 census because population estimates are not available at the UZA level. FTA apportions the High Density States funds to States with population densities in excess of 370 persons per square mile. These funds are apportioned only to UZAs within those States. FTA pro-rates each UZA's share of the High Density funds based on the population of the UZAs in the State in the 2000 census.

FTA cannot provide unit values for the Growing States or High Density formulas because the allocations to individual States and urbanized areas are based on their relative population data, rather than on a national per capita basis.

Based on language in the conference report accompanying SAFETEA-LU, FTA is to show a single apportionment amount for section 5307, STIC and section 5340. FTA shows a single section 5307 apportionment amount for each UZA in Table 3, the Urbanized Area Formula apportionments. The amount includes funds apportioned based on the section 5307 formula factors, any STIC funds, and any Growing States and High Density States funding allocated to the area. FTA uses separate formulas to calculate and generate the respective apportionment amounts for the section 5307, STIC and section 5340. For technical assistance purposes, the UZAs that received STIC funds are listed in Table 6. FTA will make available breakouts of the funding allocated to each UZA under these formulas, upon request to the regional office.

3. Program Requirements

Program guidance for the Urbanized Area Formula Program is presently found in FTA Circular C9030.1C, Urbanized Area Formula Program: Grant Application Instructions, dated October 1, 1998, and supplemented by additional information or changes provided in this document. FTA is in the process of updating the circular to incorporate changes resulting from language in SAFETEA–LU. Several important program requirements are highlighted below.

a. Urbanized Area Formula Apportionments to Governors

For small UZAs, those with a population of less than 200,000, FTA apportions funds to the Governor of each State for distribution. A single total Governor apportionment amount for the Urbanized Area Formula, STIC, and Growing States and High Density States is shown in the Urbanized Area Formula Apportionment table 3. The table also shows the apportionment amount attributable to each small UZA within the State. The Governor may determine the sub-allocation of funds among the small UZAs except that funds attributed to a small UZA that is located within the planning boundaries of a Transportation Management Area (TMA) must be obligated to that small UZA, as discussed in subsection f below.

b. Transit Enhancements

Section 5307(d)(1)(K) requires that one percent of section 5307 funds apportioned to UZAs with populations of 200,000 or more be spent on eligible transit enhancement activities or projects. This requirement is now treated as a certification, rather than as a set-aside as was the case under the Transportation Equity Act for the 21st Century (TEA–21). Designated recipients in UZAs with populations of 200,000 or more certify they are spending not less than one percent of section 5307 funds for transit enhancements. In addition, Designated Recipients must submit an annual report on how they spent the money with the Federal fiscal year's final quarterly progress report in TEAM-Web. The report should include the following elements: (a) Grantee name; (b) UZA name and number; (c) FTA project number; (d) transit enhancement category; (e) brief description of enhancement and progress towards project implementation; (f) activity line

item code from the approved budget; and (g) amount awarded by FTA for the enhancement. The list of transit enhancement categories and activity line item (ALI) codes may be found in the table of Scope and ALI codes on TEAM-Web, which can be accessed at *http://FTATEAMWeb.fta.dot.gov*.

The term ''transit enhancement'' includes projects or project elements that are designed to enhance public transportation service or use and are physically or functionally related to transit facilities. Eligible enhancements include the following: (1) Historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities); (2) bus shelters; (3) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights; (4) public art; (5) pedestrian access and walkways; (6) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; (7) transit connections to parks within the recipient's transit service area; (8) signage; and (9) enhanced access for persons with disabilities to mass transportation.

It is the responsibility of the MPO to determine how the one-percent for transit enhancements will be allotted to transit projects. The one percent minimum requirement does not preclude more than one percent from being expended in a UZA for transit enhancements. However, activities that are only eligible as enhancements—in particular, operating costs for historic facilities—may be assisted only within the one-percent funding level.

c. Transit Security Projects

Pursuant to section 5307(d)(1)(J), each recipient of Urbanized Area Formula funds must certify that of the amount received each fiscal year, it will expend at least one percent on ''public transportation security projects'' or must certify that it has decided the expenditure is not necessary. For applicants not eligible to receive section 5307 funds for operating assistance, only capital security projects may be funded with the one percent. SAFETEA–LU, however, expanded the definition of eligible ''capital'' projects to include specific crime prevention and security activities, including: (1) Projects to refine and develop security and emergency response plans; (2) projects aimed at detecting chemical and biological agents in public transportation; (3) the conduct of emergency response drills with public transportation agencies and local first response agencies; and (4) security training for public transportation employees, but excluding all expenses related to operations, other than such expenses incurred in conducting emergency drills and training. ALI codes have been established for these four new capital activities. The one percent may also include security expenditures included within other capital activities, and, where the recipient is eligible, operating assistance. The relevant ALI codes would be used for those activities.

FTA is often called upon to report to Congress and others on how grantees are expending Federal funds for security enhancements. To facilitate tracking of grantees' security expenditures, which are not always evident when included within larger capital or operating activity line items in the grant budget, we have established a non-additive (''non-add'') scope code for security expenditures— Scope 991. The non-add scope is to be used to aggregate activities included in other scopes, and it does not increase the budget total. Section 5307 grantees should include this non-add scope in the project budget for each new section 5307 grant application or amendment. Under this non-add scope, the applicant should repeat the full amount of any of the line items in the budget that are exclusively for security and include the portion of any other line item in the project budget that is attributable to security, using under the non-add scope the same line item used in the project budget. The grantee can modify the ALI description or use the extended text feature, if necessary, to describe the security expenditures.

The grantee must provide information regarding its use of the one percent for security as part of each section 5307 grant application, using a special screen in TEAM-Web. If the grantee has certified that it is not necessary to expend one percent for security, the section 5307 grant application must include information to support that certification. FTA will not process an application for a section 5307 grant until the security information is complete.

d. FY 2008 Operating Assistance

UZAs under 200,000 in population may use section 5307 funds for operating assistance. In addition, section 5307, as amended by, SAFETEA–LU and TEA–21, allows some UZAs with a population of 200,000 or more to use FY 2008 Urbanized Area Formula funds for operating assistance under certain conditions. The specific provisions allowing the limited use of operating assistance in large UZAs are as follows:

(1) Section 5307(b)(1)(E) provides for grants for the operating costs of equipment and facilities for use in public transportation in the Evansville, IN-KY urbanized area, for a portion or portions of the UZA if the portion of the UZA includes only one State, the population of the portion is less than 30,000, and the grants will not be used to provide public transportation outside of the portion of the UZA.

(2) Section 5307(b)(1)(F) provides operating costs of equipment and facilities for use in public transportation for local governmental authorities in areas which adopted transit operating and financing plans that became a part of the Houston, Texas UZA as a result of the 2000 decennial census of population, but lie outside the service area of the principal public transportation agency that serves the Houston UZA.

(3) Section 5336(a)(2) prescribes the formula to be used to apportion section 5307 funds to UZAs with population of 200,000 or more. SAFETEA–LU amended 5336(a)(2) to add language that stated, ''* * * except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations.'' This language has the effect of directing that funds apportioned to the Anchorage urbanized area, under the fixed guideway tiers of the section 5307 apportionment formula, be made available to the Alaska Railroad, and that these funds may be used for any capital or operating costs related to its passenger operations.

(4) Section 3027(c)(3) of TEA–21, as amended (49 U.S.C. 5307 note), provides an exception to the restriction on the use of operating assistance in a UZA with a population of 200,000 or more, by allowing transit providers/grantees that provide service exclusively to elderly persons and persons with disabilities and that operate 20 or fewer vehicles to use section 5307 funds apportioned to the UZA for operating assistance. The total amount of funding made available for this purpose under section 3027(c)(3) is $1.4 million. Transit providers/grantees eligible under this provision have already been identified and notified.

In previous years, section 5307(b)(2) allowed UZAs that grew in population from under 200,000 to over 200,000, as a result of the 2000 Census to use section 5307 funds for operating assistance in an amount up to 25 percent of the grandfathered amount for

FY 2005 funds. This provision was effective during FY 2006 and FY 2007 and completely phased out at the end of FY 2007.

e. Sources of Local Match

Pursuant to section 5307(e), the Federal share of an urbanized area formula grant is 80 percent of net project cost for a capital project and 50 percent of net project cost for operating assistance unless the recipients project a greater local share. The remainder of the net project cost (i.e., 20 percent and 50 percent, respectively) shall be provided from the following sources:

1. In cash from non-Government sources other than revenues from providing public transportation services;

2. From revenues derived from the sale of advertising and concessions;

3. From an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

4. From amounts received under a service agreement with a State or local social service agency or private social service organization; and

5. Proceeds from the issuance of revenue bonds.

In addition, funds from section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) can be used to match Urbanized Area Formula funds.

f. Designated Transportation Management Areas (TMA)

Guidance for setting the boundaries of TMAs is in the joint transportation planning regulations codified at 23 CFR part 450 as reference in 49 CFR Part 613. In some cases, the TMA planning boundaries established by the MPO for the designated TMA includes one or more small UZAs. In addition, one small UZA (Santa Barbara, CA) has been designated as a TMA. In either of these situations, the Governor cannot allocate ''Governor's Apportionment'' funds attributed to the small UZAs to other areas; that is, the Governor only has discretion to allocate Governor's Apportionment funds attributable to areas that are outside of designated TMA planning boundaries.

The list of small UZAs included within the planning boundaries of designated TMAs is provided in the table below.

Designated TMA	Small Urbanized Area Included in TMA Planning Boundary
Albany, NY	Saratoga Springs, NY
Houston, TX	Galveston, TX; Lake Jackson-Angleton, TX; Texas City, TX; The Woodlands, TX
Jacksonville, FL	St. Augustine, FL
Orlando, FL	Kissimmee, FL
Palm Bay-Melbourne, FL	Titusville, FL
Philadelphia, PA-NJ-DE-MD	Pottstown, PA
Pittsburgh, PA	Monessen, PA; Weirton, WV-Steubenville, OH-PA (PA portion); Uniontown-Connellsville, PA
Seattle, WA	Bremerton, WA
Washington, DC-VA-MD	Frederick, MD

The MPO must notify the Associate Administrator for Program Management, Federal Transit Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, in writing, no later than July 1 of each year, to identify any small UZA within the planning boundaries of a TMA.

g. Urbanized Area Formula Funds Used for Highway Purposes

Funds apportioned to a TMA are eligible for transfer to FHWA for highway projects, if the Designated Recipient has allocated a portion of the areas section 5307 funding for such use. However, before funds can be transferred, the following conditions must be met: (1) Such use must be approved by the MPO in writing, after appropriate notice and opportunity for comment and appeal are provided to affected transit providers; (2) in the determination of the Secretary, such funds are not needed for investments required by the Americans with Disabilities Act of 1990 (ADA); and (3) the MPO determines that local transit needs are being addressed.

The MPO should notify the appropriate FTA Regional Administrator of its intent to use FTA funds for highway purposes, as prescribed in section V.D below. Urbanized Area Formula funds that are designated by the MPO for highway projects will be transferred to and administered by FHWA.

4. Period of Availability

The Urbanized Area Formula Program funds apportioned in this notice remain available to be obligated by FTA to recipients until September 30, 2011. Any of these apportioned funds that remain unobligated at the close of business on September 30, 2011, will revert to FTA for reapportionment under the Urbanized Area Formula Program.

5. Other Program or Apportionment Related Information and Highlights

In each UZA with a population of 200,000 or more, the Governor in consultation with responsible local officials, and publicly owned operators of public transportation has designated one or more entities to be the Designated Recipient for section 5307 funds apportioned to the UZA. The same entity(s) may or may not be the Designated Recipient for the Job Access and Reverse Commute (JARC) and New Freedom program funds apportioned to the UZA. In UZAs under 200,000 in population, the State is the Designated Recipient for section 5307 as well as JARC and New Freedom programs. The Designated Recipient for section 5307 may authorize other entities to apply directly to FTA for section 5307 grants pursuant to a supplemental agreement. While the requirement that projects selected for funding be included in a locally developed coordinated public transit/human service transportation

plan is not included in section 5307 as it is in sections 5310, 5316 (JARC) and 5317 (New Freedom), FTA expects that in their role as public transit providers, recipients of section 5307 funds will be participants in the local planning process for these programs.

D. Clean Fuels Grant Program (49 U.S.C. 5308)

The Clean Fuels Grant Program supports the use of alternative fuels in air quality maintenance or nonattainment areas for ozone or carbon monoxide through capital grants to urbanized areas for clean fuel vehicles and facilities. Previously an unfunded Formula Program under TEA–21, the program is now a discretionary program. For more information about this program contact Kimberly Sledge, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $49,000,000 to the Clean Fuels Grant Program (49 U.S.C. 5308). SAFETEA–LU earmarked $20,247,000 for specific Clean Fuel projects. The balance of $28,753,000 will be awarded competitively. FTA will determine projects to be funded under the program at a later date.

CLEAN FUELS GRANT PROGRAM

Total Appropriation	$49,000,000
Funds Allocated to SAFETEA–LU Earmarks	20,247,000
Unallocated Funds Available for Discretionary/Competitive Allocation	28,753,000

Allocations to projects earmarked under the Clean Fuels program in SAFETEA–LU are displayed in Table 7.

2. Basis for Allocation of Funds

Section 3044(b) of SAFETEA–LU included 16 projects to be funded through the Clean Fuels program. Table 7 displays the amounts available in FY 2008 to the Clean Fuels projects designated in SAFETEA–LU. FY 2006 and FY 2007 carryover funds are shown in Table 8.

3. Requirements

FTA published a final rule on March 30, 2007, which revised regulations found at 49 CFR part 624. Clean Fuels program funds may be made available to any grantee in a UZA that is designated as maintenance or nonattainment area for ozone or carbon monoxide as defined in the Clean Air Act. Eligible recipients include section 5307 Designated Recipients as well as recipients in small UZAs. In the case of a small UZA, the State in which the area is located will act as the recipient.

Eligible projects include the purchase or lease of clean fuel buses (including buses that employ a lightweight composite primary structure), the construction or lease of clean fuel buses or electrical recharging facilities and related equipment for such buses, and construction or improvement of public transportation facilities to accommodate clean fuel buses.

Legislation will be necessary if a recipient wishes to use Clean Fuels funds earmarked in SAFETEA–LU for eligible program activities outside the scope of a project description.

Unless otherwise specified in law, grants made under the Clean Fuels program must meet all other eligibility requirements as outlined in section 5308.

4. Period of Availability

Funds designated for specific Clean Fuels Program projects remain available for obligation for three fiscal years, which includes the year of appropriation plus two additional fiscal years. The FY 2008 funding for projects included in this notice remains available through September 30, 2010. Clean Fuels funds not obligated in an FTA grant for their original purpose at the end of the period of availability will generally be made available for other projects.

5. Other Program or Allocation Related Information and Highlights

Prior year unobligated balances for Clean Fuel allocations in the amount of $19,576,930 remain available for obligation in FY 2008. This includes $5,352,930 in FY 2006 and $14,224,000 in FY 2007 unobligated allocations. The unobligated amounts available as of September 30, 2007, are displayed in Table 8.

E. Capital Investment Program (49 U.S.C. 5309)—Fixed Guideway Modernization

This program provides capital assistance for the modernization of existing fixed guideway systems. Funds are allocated by a statutory formula to UZAs with fixed guideway systems that have been in operation for at least seven years. A ''fixed guideway'' refers to any transit service that uses exclusive or controlled rights-of-way or rails, entirely or in part. The term includes heavy rail, commuter rail, light rail, monorail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, that portion of motor bus service operated on exclusive or controlled rights-of-way, and high-occupancy-vehicle (HOV) lanes. Eligible applicants are the public transit authorities in those urbanized areas to which the funds are allocated. For more information about Fixed Guideway Modernization contact Scott Faulk, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $1,570,000,000 to the Fixed Guideway Modernization Program. The total amount apportioned for the Fixed Guideway Modernization Program is $1,554,627,028, after the deduction for oversight, and addition of prior year reapportioned funds, as shown in the table below.

FIXED GUIDEWAY MODERNIZATION PROGRAM

Total Appropriation	$1,570,000,000
Oversight Deduction	−15,700,000
Prior Year Funds Added	327,028
Total Apportioned	1,554,627,028

The FY 2008 Fixed Guideway Modernization Program apportionments to eligible areas are displayed in Table 9.

2. Basis for Formula Apportionment

The formula for allocating the Fixed Guideway Modernization funds contains seven tiers. The apportionment of funding under the first four tiers is based on amounts specified in law and NTD data used to apportion funds in FY 1997. Funding under the last three tiers is apportioned based on the latest available data on route miles and revenue vehicle miles on segments at least seven years old, as reported to the NTD. Section 5337(f) of title 49, U.S.C. provides for the inclusion of Morgantown, West Virginia (population 55,997) as an eligible UZA for purposes of apportioning fixed guideway modernization funds. Also, pursuant to 49 U.S.C. 5336(b) FTA used 60 percent of the directional route miles attributable to the Alaska Railroad passenger operations system to calculate the apportionment for the Anchorage, Alaska UZA under the section 5309 Fixed Guideway Modernization formula.

FY 2008 Formula apportionments are based on data grantees provided to the NTD for the 2006 reporting year. Table 10 provides additional information and details on the formula. Dollar unit values for the formula factors used in the Fixed Guideway Modernization Program are displayed in Table 5. To replicate an area's apportionment,

multiply the dollar unit value by the appropriate formula factor, i.e., route miles and revenue vehicle miles.

3. Program Requirements

Fixed Guideway Modernization funds must be used for capital projects to maintain, modernize, or improve fixed guideway systems. Eligible UZAs (those with a population of 200,000 or more) with fixed guideway systems that are at least seven years old are entitled to receive Fixed Guideway Modernization funds. A threshold level of more than one mile of fixed guideway is required in order to receive Fixed Guideway Modernization funds. Therefore, UZAs reporting one mile or less of fixed guideway mileage under the NTD are not included. However, funds apportioned to an urbanized area may be used on any fixed guideway segment in the UZA. Program guidance for Fixed Guideway Modernization is presently found in FTA Circular C9300.1A, Capital Program: Grant Application Instructions, dated October 1, 1998. FTA is in the process of updating this circular to incorporate changes resulting from language in SAFETEA–LU. A proposed revised circular was published for public comments, which are due by January 25, 2008.

4. Period of Availability

The funds apportioned in this notice under the Fixed Guideway Modernization Program remain available to be obligated by FTA to recipients for three fiscal years following FY 2008. Any of these apportioned funds that remain unobligated at the close of business on September 30, 2011, will revert to FTA for reapportionment under the Fixed Guideway Modernization Program.

F. Capital Investment Program (49 U.S.C. 5309)—Bus and Bus-Related Facilities

This program provides capital assistance for new and replacement buses and related facilities. Funds are allocated on a discretionary basis. Eligible purposes are acquisition of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park-and-ride stations, acquisition of replacement vehicles, bus rebuilds, bus preventive maintenance, passenger amenities such as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles, fare boxes, computers, and shop and garage equipment. Eligible applicants are State and local governmental authorities. Eligible subrecipients include other public agencies, private companies engaged in public transportation and private non-profit organizations. For more information about Bus and Bus-Related Facilities contact Maria Wright, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $823,052,962 for the bus and bus facilities program. The amount of funding for projects designated in section 3044 of SAFETEA–LU for Bus and Bus-Related Facilities in FY 2008 is $497,670,593. The amount of funding for projects designated in the Consolidated Appropriations Act, 2008 is $220,599,862. The balance remains unallocated, as shown in the following table.

BUS AND BUS FACILITY PROGRAM

Total Appropriation	$927,750,000
Ob lim. Reduction/Rescission	−104,697,038
Oversight Deduction	−8,230,530
Total Available for Allocation	814,822,432
SAFETEA–LU Statutory Provisions Projects	497,670,593
Consolidated Appropriations Act Designations	220,599,862
Unallocated	96,551,977

The FY 2008 SAFETEA–LU Allocations for the Bus and Bus Facilities are displayed in Table 11.

2. Basis for Allocations

Funds are provided annually under section 5309 for discretionary allocation for bus and bus facilities projects. SAFETEA–LU listed 646 earmarked projects to be funded each year through the Bus Program (Section 3044) and specified additional projects in Section 5309(m)(7). Table 11 displays only the allocation of the FY 2008 Bus and Bus-Related Facilities funds by State and project for projects earmarked in SAFETEA–LU. The table includes a SAFETEA–LU project number for each project listed in Section 3044. FTA will issue a supplemental notice, at a later date, regarding the projects designated in the committee reports that accompanied the Consolidated Appropriations Act.

3. Requirements

Section 125 and section 113 of the FY 2005 and FY 2006 Department of Transportation Appropriations Acts, respectively, make projects identified in the statement of managers automatically eligible to receive the funds designated to the project ''notwithstanding any other provision of law.'' Similar language was first included as a general provision in section 547 of the FY 2004 Department of Transportation Appropriations Act. In addition, section 3044 of SAFETEA–LU earmarked 646 Bus and Bus Facilities projects in FY 2008. FTA will review Congressional intent on a case by case basis.

FTA honors Congressional earmarks for the purpose designated, for purposes eligible under the program or under the expanded eligibility of a ''notwithstanding'' provision. If you want to apply to use funds designated under the Bus Program in any year for project activities outside the scope of the project designation included in report language, you must submit your request for reprogramming to the House and Senate Committees on Appropriations for resolution.

FTA will honor projects earmarked to receive section 5309 bus funds in SAFETEA–LU. Legislation will be necessary to amend the earmark if you wish to use funds for project activities outside the scope of the project description.

Grants made under the Bus and Bus-Related Facilities program must meet all other eligibility requirements as outlined in section 5309 unless otherwise specified in law.

Program guidance for Bus and Bus-Related Facilities is found in FTA Circular C9300.1A, Capital Program: Grant Application Instructions. FTA is in the process of updating this circular to incorporate changes resulting from language in SAFETEA–LU. FTA issued a proposed revision of the circular and the public comment period on the document ends on January 25, 2008.

4. Period of Availability

The FY 2008 Bus and Bus-Related Facilities funds not obligated for their original purpose as of September 30, 2010, may be made available for other projects under 49 U.S.C. 5309.

5. Other Program or Allocation Related Information and Highlights

Prior year unobligated balances for Bus and Bus-Related allocations in the amount of $1,127,186,665 remain available for obligation in FY 2008. This includes $1,091,033,715 in fiscal years 2006 and 2007 unobligated allocations (earmarked and discretionary projects); $35,090,169 for FY 2000–FY 2004 unobligated allocations that were extended by previous direction by the House and Senate appropriation committees; $1,062,841 for earmarks reallocated in FY 2007. The unobligated amounts available as of September 30, 2007, are displayed in Table 12. Table

12 does not include extended or redirected project funds identified in the reports accompanying the Consolidated Appropriations Act, 2008, or in the most recent congressional clarification letter dated December 19, 2007. FTA will issue a supplemental notice at a later date.

G. Capital Investment Program (49 U.S.C. 5309)—New Starts

The New Starts program provides funds for construction of new fixed guideway systems or extensions to existing fixed guideway systems. Eligible purposes are light rail, rapid rail (heavy rail), commuter rail, monorail, automated fixed guideway system (such as a ''people mover''), or a busway/high occupancy vehicle (HOV) facility, Bus Rapid Transit that is a fixed guideway, or an extension of any of these. Projects become candidates for funding under this program by successfully completing the appropriate steps in the major capital investment planning and project development process. Major new fixed guideway projects, or extensions to existing systems, financed with New Starts funds typically receive these funds through a full funding grant agreement (FFGA) that defines the scope of the project and specifies the total multi-year Federal commitment to the project. Beginning in FY 2007, up to $200,000,000 each year is designated for ''Small Starts'' (section 5309(e)) projects with a New Starts share of less than $75,000,000 and a net project cost of less than $250,000,000. The Consolidated Appropriations Act, 2008, set aside $100,564,600 for Small Starts from the amounts appropriated for Capital Investment Grants.

Section 5309(m)(6) also made annual allocations of New Start funding available to Alaska and Hawaii for ferryboats and to the Denali Commission in Anchorage, Alaska, under the terms of section 307(e) of the Denali Commission Act of 1998 (42 U.S.C. 3121) for docks, waterfront development projects and related transportation infrastructure in rural Alaska communities.

For more information about New Starts project development contact Elizabeth Day, Office of Planning and Environment, at (202) 366–4033, or for information about published allocations contact Cheryl Oliver, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $1,569,091,997 to New Starts. The total amount allocated for New Starts is, as shown in the table below.

NEW STARTS

Total Appropriation	$1,569,091,997
Oversight Deduction	15,690,920
Total Funds to be Allocated	1,553,401,077
Funds Allocated to Specific Projects in Table 13	[a] 1,534,492,165
Unallocated Funds	18,908,912

[a] Includes $20 million for the Denali Commission and Alaska and Hawaii Ferry projects.

2. Basis for Allocation

Congress included authorizations for specific New Starts projects in SAFETEA–LU, the Consolidated Appropriations Act, 2008 and in statutory takedowns from the program for Alaska and Hawaii Ferryboats and the Denali Commission. FY 2008 New Starts funding is shown in Table 13.

3. Requirements

Because New Starts projects are earmarked in law rather than report language, reprogramming for a purpose other than that specified must also occur in law. New Starts projects are subject to a complex set of approvals related to planning and project development set forth in 49 CFR Part 611. FTA has published a number of rulemakings and interim guidance documents related to the New Starts program since the passage of SAFETEA–LU. Grantees should reference the FTA Web site at *http://www.fta.dot.gov* for the most current program guidance about project developments and management. Grant related guidance for New Starts is found in FTA Circular C9300.1A, Capital Program: Grant Application Instructions, dated October 1, 1998; and C5200.1A, Full Funding Grant Agreement Guidance, dated December 5, 2002. FTA is in the process of updating these circulars to incorporate changes resulting from language in SAFETEA–LU and recent rulemakings. Proposed revised circular 9300.1A is currently out for public comment. Comments are due by January 25, 2008.

4. Period of Availability

New Starts funds remain available for three fiscal years (including the fiscal year the funds are made available or appropriated plus two additional years.) FY 2008 funds remain available through September 30, 2010. Funds may be extended by Congress or made available for other projects after the period of availability has expired.

5. Other Program or Apportionment Related Information and Highlights

Prior year unobligated allocations for New Starts in the amount of $336,152,170 remain available for obligation in FY 2008. This amount includes $138,931,910 in FY 2005 and prior years, $126,973,589 in FY 2006 and $70,246,671 in FY 2007 unobligated allocations. These unobligated amounts are displayed in Table 14. Information on pre-award authority for New Starts projects is detailed in section V below.

H. Special Needs of Elderly Individuals and Individuals With Disabilities Program (49 U.S.C. 5310)

This program provides formula funding to States for capital projects to assist private nonprofit groups in meeting the transportation needs of the elderly and individuals with disabilities when the public transportation service provided in the area is unavailable, insufficient, or inappropriate to meet these needs. A State agency designated by the Governor administers the section 5310 program. The State's responsibilities include: notifying eligible local entities of funding availability; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring that all subrecipients comply with Federal requirements. Eligible nonprofit organizations or public bodies must apply directly to the designated State agency for assistance under this program. For more information about the Elderly and Individuals with Disabilities Program contact Cheryl Oliver, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $127,000,000 to the Elderly and Individuals with Disabilities Program (49 U.S.C. 5310). After deduction of 0.5 percent for oversight, and the addition of reapportioned prior year funds, $126,723,652 remains available for allocation to the States.

ELDERLY AND INDIVIDUALS WITH DISABILITIES PROGRAM

Total Appropriation	$127,000,000
Oversight Deduction	−635,000
Prior Year Funds Added	358,652
Total Apportioned	126,723,652

The FY 2008 Elderly and Individuals with Disabilities Program apportionments to the States are displayed in Table 15.

2. Basis for Apportionment

FTA allocates funds to the States by an administrative formula consisting of a $125,000 floor for each State ($50,000 for smaller territories) with the balance allocated based on 2000 Census population data for persons aged 65 and over and for persons with disabilities.

3. Requirements

Funds are available to support the capital costs of transportation services for older adults and people with disabilities. Uniquely under this program, eligible capital costs include the acquisition of service. Seven specified States (Alaska, Louisiana, Minnesota, North Carolina, Oregon, South Carolina, and Wisconsin) may use up to 33 percent of their apportionment for operating assistance under the terms of the SAFETEA–LU section 3012(b) pilot program.

Capital assistance is provided on an 80 percent Federal, 20 percent local matching basis except that section 5310(c) allows States eligible for a higher match under the sliding scale for FHWA programs to use that match ratio for section 5310 capital projects. Operating assistance is 50 percent Federal, 50 percent local. Funds provided under other Federal programs (other than those of the DOT, with the exception of the Federal Lands Highway Program established by 23 U.S.C. 204) may be used as match. Revenue from service contracts may also be used as local match.

While the assistance is intended primarily for private non-profit organizations, public bodies approved by the State to coordinate services for the elderly and individuals with disabilities, or any public body that certifies to the State that there are no non-profit organizations in the area that are readily available to carry out the service, may receive these funds.

States may use up to ten percent of their annual apportionment to administer, plan, and provide technical assistance for a funded project. No local share is required for these program administrative funds. Funds used under this program for planning must be shown in the United Planning Work Program (UPWP) for MPO(s) with responsibility for that area.

The State recipient must certify that: the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and, the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public. The locally developed, coordinated public transit-human services transportation planning process must be coordinated and consistent with the metropolitan and statewide planning processes and funding for the program must be included in the metropolitan and statewide Transportation Improvement Plan (TIP and STIP) at a level of specificity or aggregation consistent with State and local policies and procedures. Finally, the State must certify that allocations of the grant to subrecipients are made on a fair and equitable basis.

The coordinated planning requirement is also a requirement in two additional programs. Projects selected for funding under the Job Access Reverse Commute program and the New Freedom program are also required to be derived from a locally developed coordinated public transit/human service transportation plan. FTA anticipates that most areas will develop one consolidated plan for all the programs, which may include separate elements and other human service transportation programs.

The section 5310 program is subject to the requirements of section 5307 to the extent the Secretary determines appropriate. Program guidance is found in FTA C 9070.1F, dated May 1, 2007. The circular is posted on the FTA Web site at *http://www.fta.dot.gov.*

4. Period of Availability

FTA has administratively established a three year period of availability for section 5310 funds. Funds allocated to States under the Elderly and Individuals with Disabilities Program in this notice must be obligated by September 30, 2010. Any funding that remains unobligated as of that date will revert to FTA for reapportionment among the States under the Elderly and Individuals with Disabilities Program.

5. Other Program or Apportionment Related Information and Highlights

States may transfer section 5310 funds to section 5307 or section 5311, but only for projects selected under the section 5310 program, not as a general supplement for those programs. FTA anticipates that the States would use this flexibility primarily for projects to be implemented by a section 5307 recipient in a small urbanized area, or for Federally recognized Indian Tribes that elect to receive funds as a direct recipient from FTA under section 5311. A State that transfers section 5310 funds to section 5307 must certify that each project for which the funds are transferred has been coordinated with private nonprofit providers of services. FTA has established a scope code (641) to track 5310 projects included within a section 5307 or 5311 grant. Transfer to section 5307 or 5311 is permitted but not required. FTA expects primarily to award stand-alone section 5310 grants to the State for any and all subrecipients.

I. Nonurbanized Area Formula Program (49 U.S.C. 5311)

This program provides formula funding to States and Indian Tribes for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding may be used for capital, operating, State administration, and project administration expenses. Eligible subrecipients include State and local public agencies, Indian Tribes, private non-profit organizations, and private operators of public transportation services, including intercity bus companies. Indian Tribes are also eligible direct recipients under section 5311, both for funds apportioned to the States and for projects selected to be funded with funds set aside for a separate Tribal Transit Program.

For more information about the Nonurbanized Area Formula Program contact Lorna Wilson, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $438,000,000 to the Nonurbanized Area Formula Program (49 U.S.C. 5311). The total amount apportioned for the Nonurbanized Area Formula Program is $415,050,000, after take-downs of two percent for the Rural Transportation Assistance Program (RTAP), 0.5 percent for oversight, and $12,000,000 for the Tribal Transit Program, and the addition of section 5340 funds and prior year funds reapportioned, as shown in the table below.

NONURBANIZED AREA FORMULA PROGRAM

Total Appropriation	$438,000,000
Oversight Deduction	−2,190,000
RTAP Takedown	−8,760,000
Tribal Transit Takedown	−12,000,000
Prior Year Funds Added	943,489
Section 5340 Funds Added	68,840,835
Total Apportioned	484,834,324

The FY 2008 Nonurbanized Area Formula apportionments to the States are displayed in Table 16.

2. Basis for Apportionments

FTA apportions the funds available for apportionment after take-down for

oversight, the Tribal Transit Program, and RTAP according to a statutory formula. FTA apportions the first twenty percent to the States based on land area in nonurbanized areas with no state receiving more than 5 percent of the amount apportioned. FTA apportions the remaining eighty percent based on nonurbanized population of each State relative to the national nonurbanized population. FTA does not apportion section 5311 funds to the Virgin Islands, which by a statutory exception are treated as an urbanized area for purposes of the section 5307 formula program.

FTA also allocated $68,840,835 to the 50 States for nonurbanized areas from the Growing States portion of section 5340. FTA apportions Growing States funds by a formula based on State population forecasts for 15 years beyond the most recent census. FTA distributes the amounts apportioned for each State between UZAs and nonurbanized areas based on the ratio of urbanized/nonurbanized population within each State in the 2000 census.

3. Program Requirements

The Nonurbanized Area Formula Program provides capital, operating and administrative assistance for public transit service in nonurbanized areas under 50,000 in population.

The Federal share for capital assistance is 80 percent and for operating assistance is 50 percent, except that States eligible for the sliding scale match under FHWA programs may use that match ratio for section 5311 capital projects and 62.5 percent of the sliding scale capital match ratio for operating projects.

Each State must spend no less than 15 percent of its FY 2008 Nonurbanized Area Formula apportionment for the development and support of intercity bus transportation, unless the State certifies, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being adequately met. SAFETEA–LU added this requirement for consultation with the industry to strengthen the certification requirement. FTA also encourages consultation with other stakeholders, such as communities affected by loss of intercity service.

Each State prepares an annual program of projects, which must provide for fair and equitable distribution of funds within the States, including Indian reservations, and must provide for maximum feasible coordination with transportation services assisted by other Federal sources.

In order to retain eligibility for funding, recipients of section 5311 funding must report data annually to the NTD, beginning with the 2006 reporting year.

Program guidance for the Nonurbanized Area Formula Program is found in FTA C 9040.1F, Nonurbanized Area Formula Program Guidance and Grant Application Instructions, dated April 1, 2007, which was revised and reissued after notice and comment. The circular is posted at *www.fta.dot.gov.*

4. Period of Availability

Funds apportioned to nonurbanized areas under the Nonurbanized Area Formula Program during FY 2008 will remain available for two additional fiscal years after the year of apportionment. Any funds that remain unobligated at the close of business on September 30, 2010, will revert to FTA for allocation among the States under the Nonurbanized Area Formula Program.

5. Other Program or Apportionment Related Information and Highlights

a. NTD Reporting. By law, FTA requires that each recipient under the section 5311 program submit an annual report to the NTD containing information on capital investments, operations, and service provided with funds received under the section 5311 program. Section 5311(b)(4), as amended by SAFETEA–LU, specifies that the report should include information on total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size and type, and related facilities, revenue vehicle miles, and ridership. Reporting of 2006 data was a voluntary state-based rural data module for the NTD that FTA previously developed on in consultation with State Departments of Transportation (DOT). On December 6, 2007, FTA published a final rule regarding the NTD requirements for section 5311 recipients. The proposed NTD Rural Data Reporting Module manual and reporting instructions for 2007 data was also published for public comment and revised in response to comments received. The final 2007 NTD Rural Data Reporting Module manual and reporting instructions are now posted on the NTD Web site, *http://www.ntdprogram.com.* For each 5311 subrecipient, the State DOT must complete a one-page form of basic data. NTD reporting year 2007 reports are due on February 29, 2008, for reports whose 2007 Fiscal Year ended on or before September 30, 2007. The 2007 NTD Reporting deadline will continue to be April 30, 2008, for those reports whose 2007 Fiscal Year ended or will end between October 1, 2007, and December 31, 2007. The NTD deadlines will revert to the standard for FY 2008. The anticipated report due dates are as follows: 2008 Fiscal Year end date: January 1, 2008–June 30, 2008 report due: October 31, 2008, 2008 Fiscal Year end date: July 1, 2008—September 30, 2008 report due: January 30, 2009, 2008 Fiscal Year end date: October 1, 2008—December 31, 2008 report due: May 1, 2009. For full details on NTD reporting and to enter data and receive additional instructions, State DOTs can go to the NTD Web site *http://www.ntdprogram.gov.*

b. Extension of Intercity Bus Pilot of In-Kind Match. Beginning in FY 2007, FTA implemented a two year pilot program of in-kind match for intercity bus service. The initial program was set to expire after FY 2008; however, FTA has decided to extend the program through FY 2009. FTA published guidance on the in-kind match pilot in the **Federal Register** on February 28, 2007, as Appendix 1 of the Notice announcing the final revised circular 9040.1F.

J. Rural Transportation Assistance Program (49 U.S.C. 5311(b)(3))

This program provides funding to assist in the design and implementation of training and technical assistance projects, research, and other support services tailored to meet the needs of transit operators in nonurbanized areas. For more information about Rural Transportation Assistance Program (RTAP) contact Lorna Wilson, Office of Transit Programs, at (202) 366–2053.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $8,760,000 to RTAP (49 U.S.C. 5311(b)(2)), as a two percent takedown from the funds appropriated for Section 5311. FTA has reserved 15 percent for the National RTAP program. After adding prior year funds eligible for reapportionment, $7,561,124 is available for allocations to the States, as shown in the table below.

RURAL TRANSIT ASSISTANCE PROGRAM

Total Appropriation	$8,760,000
National RTAP Takedown	−1,314,000
Prior Year Funds Added	115,124
Total Apportioned	7,561,124

Table 16 shows the FY 2008 RTAP allocations to the States.

2. Basis for Allocation

FTA allocates funds to the States by an administrative formula. First FTA allocates $65,000 to each State ($10,000 to territories), and then allocates the balance based on nonurbanized population in the 2000 census.

3. Program Requirements

States may use the funds to undertake research, training, technical assistance, and other support services to meet the needs of transit operators in nonurbanized areas. These funds are to be used in conjunction with a State's administration of the Nonurbanized Area Formula Program, but may also support the rural components of the Section 5310, JARC, and New Freedom programs.

4. Period of Availability

Funds apportioned to States under RTAP remain available for two fiscal years following FY 2008. Any funds that remain unobligated at the close of business on September 30, 2010, will revert to FTA for allocation among the States under the RTAP.

5. Other Program or Apportionment Related Information and Highlights

The National RTAP project is administered by cooperative agreement and re-competed at five-year intervals. During FY 2008, FTA will be soliciting proposals for the National RTAP program services for the next five years. The projects are guided by a project review board of managers of rural transit systems and State DOT RTAP programs. National RTAP resources also support the biennial TRB National Conference on Rural Public and Intercity Bus Transportation and other research and technical assistance projects of a national nature.

The percentage takedown for RTAP, combined with rising funding levels for section 5311, make additional resources available at the State RTAP program level as well as the national RTAP for projects such as providing technical assistance for the new tribal transit program and conducting intercity bus needs assessments.

K. Public Transportation on Indian Reservations Program (49 U.S.C. 5311(c)(1))

FTA refers to this program as the Tribal Transit Program. It is funded as a takedown from funds appropriated for the section 5311 program. Federally recognized Indian Tribes are defined as eligible direct recipients. The funds are to be apportioned for grants to Indian Tribes for any purpose eligible under section 5311, which includes capital, operating, planning, and administrative assistance for rural public transit services and rural intercity bus service. For more information about the Tribal Transit Program contact Lorna Wilson, Office of Transit Programs, at (202) 366–2053.

1. Funding Availability in FY 2008

Under the Consolidated Appropriations Act, 2008, the amount allocated to the program in FY 2008 is $12,000,000, as authorized in section 5311(c)(1)(B).

2. Basis for Allocation

Based on procedures developed in consultation with the Tribes, FTA will issue a Notice of Funding Availability (NOFA) soliciting applications for FY 2008 funds.

3. Requirements

FTA developed streamlined program requirements based on statutory authority allowing the Secretary to determine the terms and conditions appropriate to the program. These conditions are contained in the annual NOFA.

4. Period of Availability

Funds remain available for three fiscal years, which includes the fiscal year the funds were apportioned or appropriated plus two additional years. Funds appropriated in FY 2008 will remain available for obligation to the tribes competitively selected to receive the funds through September 30, 2010. Any funds that remain unobligated after September 30, 2010, will revert to FTA for reallocation among the Tribes.

5. Other Program or Apportionment Related Information and Highlights

The funds set aside for the Tribal Transit Program are not meant to replace or reduce funds that Indian Tribes receive from states through the section 5311 program but are to be used to enhance public transportation on Indian reservations and transit serving tribal communities. Funds allocated to Tribes by the States may be included in the State's section 5311 application or awarded by FTA in a grant directly to the tribe. We encourage Tribes intending to apply to FTA as direct recipients to contact the appropriate FTA regional office at the earliest opportunity.

Technical assistance for Tribes may be available from the State DOT using the State's allocation of RTAP or funds available for State administration under section 5311, from the Tribal Transportation Assistance Program (TTAP) Centers supported by FHWA, and from the Community Transportation Association of America under a program funded by the United States Department of Agriculture (USDA). The National RTAP will also be developing new resources for Tribal Transit.

L. National Research Programs (49 U.S.C. 5314)

FTA's National Research Programs (NRP) include the National Research and Technology Program (NRTP), the Transit Cooperative Research Program (TCRP), the National Transit Institute (NTI), and the University Transportation Centers Program (UTC).

Through funding under these programs, FTA seeks to deliver solutions that improve public transportation. FTA's Strategic Research Goals are to provide transit research leadership, increase transit ridership, improve capital and operating efficiencies, improve safety and emergency preparedness, and to protect the environment and promote energy independence. For more information contact Bruce Robinson, Office of Research, Demonstration and Innovation, at (202) 366–4209.

1. Funding Availability in FY 2008

The Consolidated Appropriations Act, 2008, provides $65,362,900 for the Research and University Research Centers Programs. Of this amount $9,300,000 is allocated for TCRP, $4,300,000 for NTI, $7,000,000 for the UTC, and $44,762,900 for NRTP. Within the NRTP—$22,225,000 is allocated for specific activities under 49 U.S.C. 5338(d) and in section 3046 of SAFETEA–LU. All research and research and development projects, as defined by the Office of Management and Budget, are subject to a 2.6% reduction for the Small Business Innovative Research Program (SBIR). The takedown has been applied where applicable, unless the purpose of the project is unclear. A breakdown of NRP funds is provided in the table below.

NATIONAL RESEARCH PROGRAMS

Total Appropriation	$65,362,900
Funds Allocated for Specific Programs or Activities	42,770,660
Small Business Innovative Research Takedown estimate	200,000
Funds Available for FTA Programming	22,392,240
Total NRP Funding	65,362,900

The project allocations are listed in Table 17.

2. Program Requirements

Application Instructions and Program Management Guidelines are set forth in FTA Circular 6100.1C. Research projects must support FTA's Strategic Research Goals and meet the Office of Management and Budget's Research and Development Investment Criteria. All research recipients are required to work with FTA to develop approved Statements of Work and plans to evaluate research results before award.

Eligible activities under the NRTP include research, development, demonstration and deployment projects as defined by 49 U.S.C. 5312(a); Joint Partnership projects for deployment of innovation as defined by 49 U.S.C. 5312(b); International Mass Transportation Projects as defined by 49 U.S.C. 5312(c); and, human resource programs as defined by 49 U.S.C. 5322. Unless otherwise specified in law, all projects must meet one of these eligibility requirements.

Problem Statements for TCRP can be submitted on TCRP's Web site: *http://www.tcrponline.org.* Information about NTI courses can be found at *http://www.ntionline.com.* UTC funds are transferred to the Research and Innovative Technology Administration to make awards.

3. Period of Availability

Funds are available until expended.

4. Other Program or Apportionment Related Information and Highlights

Funds not designated by Congress for specific projects and activities will be programmed by FTA based on national priorities. Opportunities are posted in *http://www.grants.gov* under Catalogue of Federal Domestic Assistance Number 20.514.

M. Job Access and Reverse Commute Program (49 U.S.C. 5316)

The Job Access and Reverse Commute (JARC) program provides formula funding to States and Designated Recipients to support the development and maintenance of job access projects designed to transport welfare recipients and low-income individuals to and from jobs and activities related to their employment, and for reverse commute projects designed to transport residents of UZAs and other than urbanized to suburban employment opportunities. For more information about the JARC program contact David Schneider, Office of Transit Programs, at (202) 366–2053.

1. Funding Availability in FY 2008

The Consolidated Appropriations Act, 2008, provides $156,000,000 for the JARC Program. The total amount apportioned by formula is $156,000,000 as shown in the table below.

JOB ACCESS AND REVERSE COMMUTE PROGRAM

Total Appropriation	$156,000,000
Total Apportioned	156,000,000

Table 18 shows the FY 2008 JARC apportionments.

2. Basis for Formula Apportionment

By law, FTA allocates 60 percent of funds available to UZAs with populations of 200,000 or more persons (large UZAs); 20 percent to the States for urbanized areas with populations ranging from 50,000 to 200,000 persons (small UZAs), and 20 percent to the States for rural and small urban areas with populations of less than 50,000 persons. FTA apportions funds based upon the number of low income individuals residing in a State or large urbanized area, using data from the 2000 Census for individuals below 150 percent of poverty. FTA publishes apportionments to each State for small UZAs and for rural and small urban areas and a single apportionment for each large UZA.

The Designated Recipient, either for the State or for a large UZA, is responsible for further allocating the funds to specific projects and subrecipients through a competitive selection process. If the Governor has designated more than one recipient of JARC funds in a large UZA, the Designated Recipients may agree to conduct a single competitive selection process or sub-allocate funds to each Designated Recipient, based upon a percentage split agreed upon locally, and conduct separate competitions.

States may transfer funds between the small UZA and the nonurbanized apportionments, if all of the objectives of JARC are met in the size area the funds are taken from. States may also use funds in the small UZA and nonurbanized area apportionments for projects anywhere in the State (including large UZAs) if the State has established a statewide program for meeting the objectives of JARC. A State planning to transfer funds under either of these provisions should submit a request to the FTA regional office. FTA will assign new accounting codes to the funds before obligating them in a grant.

3. Requirements

States and Designated Recipients must solicit grant applications and select projects competitively, based on application procedures and requirements established by the Designated Recipient, consistent with the Federal JARC program objectives. In the case of large UZAs, the area-wide solicitation shall be conducted in cooperation with the appropriate MPO(s).

Funds are available to support the planning, capital and operating costs of transportation services that are eligible for funding under the program. Assistance may be provided for a variety of transportation services and strategies directed at assisting welfare recipients and eligible low-income individuals address unmet transportation needs, and to provide reverse commute services. The transportation services may be provided by public, non-profit, or private-for-profit operators. The Federal share is 80 percent of capital and planning expenses and 50 percent of operating expenses. Funds provided under other Federal programs (other than those of the U.S. DOT) may be used for local/State match for funds provided under section 5316, and revenue from service contracts may be used as local match.

States and Designated Recipients may use up to ten percent of their annual apportionment for administration, planning, and to provide technical assistance. No local share is required for these program administrative funds. Funds used under this program for planning in urbanized areas must be shown in the UPWP for MPO(s) with responsibility for that area.

The Designated Recipient must certify that: the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and, the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public, including those representing the needs of welfare recipients and eligible low-income individuals. The locally developed, coordinated public transit-human services transportation planning process must be coordinated and consistent with the metropolitan and statewide planning processes and funding for the program must be included in the metropolitan and statewide Transportation Improvement Program (TIP and STIP) at a level of specificity or aggregation consistent with State and local policies and procedures. Finally, the State must certify that allocations of the grant to subrecipients are made on a fair and equitable basis.

The coordinated planning requirement is also a requirement in two

additional programs. Projects selected for funding under the section 5310 program and the New Freedom program are also required to be derived from a locally developed coordinated public transit-human service transportation plan. FTA anticipates that most areas will develop one consolidated plan for all the programs, which may include separate elements and other human service transportation programs. The goal of the coordinated planning process is not to be an exhaustive document, but to serve as a tool for planning and implementing beneficial projects. The level of effort required to develop the plan will vary among communities based on factors such as the availability of resources. FTA does not approve coordinated plans.

The JARC program is subject to the relevant requirements of section 5307, including the requirement for certification of labor protections. FTA issued a new circular for the formula JARC program, FTA C 9050.1, dated April 1, 2007 and effective May 1, 2007. This circular which is posted on the FTA Web site at *http://www.fta.dot.gov* supersedes all previous interim guidance for the program.

4. Period of Availability

FTA has established a consistent three-year period of availability for JARC, New Freedom, and the section 5310 program, which includes the year of apportionment plus two additional years. FY 2008 funding is available through FY 2010. Any funding that remains unobligated on September 30, 2010 will revert to FTA for reapportionment among the States and large UZAs under the JARC program.

5. Other Program or Apportionment Related Information and Highlights

a. Carryover Earmarks. Table 19 lists prior year carryover of $14,337,688 for JARC projects designated by Congress in FYs 2002–2005. JARC earmarks carried over from TEA–21 are subject to the terms and conditions under which they were originally appropriated, including the requirement for a 50 percent local share for both capital and operating assistance. All projects should be in a regional JARC Plan as required under TEA–21 or in the new local coordinated plan required by the new formula JARC program. FTA will award a grant for a designated project upon receipt of a complete application, but can honor changes to the original designation only if so directed by the Appropriations Committee chairs.

b. Designated Recipient. FTA must have received formal notification from the Governor or Governor's designee of the Designated Recipient for JARC funds apportioned to a State or large UZA before awarding a grant to that area for JARC projects.

c. Transfers to section 5307 or 5311. States may transfer JARC funds to section 5307 or section 5311, but only for projects competitively selected under the JARC program, not as a general supplement for those programs. FTA anticipates that the States would use this flexibility primarily for projects to be implemented by a section 5307 recipient in a small urbanized area or for Federally recognized Indian Tribes that elect to receive funds as a direct recipient from FTA under section 5311. FTA has established a scope code (646) to track JARC projects included within a section 5307 or 5311 grant. Transfer to section 5307 or 5311 is permitted but not required. FTA will also award stand-alone section 5316 grants to the State for any and all subrecipients. In order to track disbursements accurately against the appropriate program, FTA will not combine JARC funds with section 5307 funds in a single section 5307 grant, nor will FTA combine JARC with New Freedom funds in a single section 5307 grant.

d. Evaluation. Section 5316(i)(2), as added by SAFETEA–LU, requires FTA to conduct a study to evaluate the effectiveness of the JARC program. To support the evaluation, annual GAO reports on the program, and DOT Performance Measures, while reducing the burden grantees previously experienced from separate reporting required for the JARC program under TEA–21, FTA has incorporated reporting for performance measures into the annual progress report all JARC grantees submit in TEAM.

N. New Freedom Program (49 U.S.C. 5317)

SAFETEA–LU established the New Freedom Program under 49 U.S.C. 5317, The program's purpose is to provide new public transportation services and public transportation alternatives beyond those currently required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services. For more information about the New Freedom program contact David Schneider, Office of Transit Programs, at (202) 366–2053.

1. Funding Availability in FY 2008

The Consolidated Appropriations Act, 2008, provides $87,500,000 for the New Freedom Program. The entire amount is apportioned by formula, as shown in the table below.

NEW FREEDOM PROGRAM

Total Appropriation	$87,500,000
Total Apportioned	87,500,000

Table 20 shows the FY 2008 New Freedom apportionments.

2. Basis for Formula Apportionment

By law, FTA allocates 60 percent of funds available to UZAs with populations of 200,000 or more persons (large UZAs); 20 percent to the States for urbanized areas with populations ranging from 50,000 to 200,000 persons (small UZAs), and 20 percent to the States for rural and small urban areas with populations of less than 50,000 persons. FTA apportions funds based upon the number of persons with disabilities over the age of five residing in a State or large urbanized area, using data from the 2000 Census. FTA publishes apportionments to each State for small UZAs and for rural and small urban areas and a single apportionment for each large UZA.

The Designated Recipient, either for the State or for a large UZA, is responsible for further allocating the funds to specific projects and subrecipients through a competitive selection process. If the Governor has designated more than one recipient of New Freedom funds in a large UZA, the Designated Recipients may agree to conduct a single competitive selection process or sub-allocate funds to each Designated Recipient, based upon a percentage split agreed upon locally and conduct separate competitions.

3. Requirements

States and Designated Recipients must solicit grant applications and select projects competitively, based on application procedures and requirements established by the Designated Recipient, consistent with the Federal New Freedom program objectives. In the case of large UZAs, the area-wide solicitation shall be conducted in cooperation with the appropriate MPO(s).

Funds are available to support the capital and operating costs of new public transportation services and public transportation alternatives that are beyond those required by the Americans with Disabilities Act. Funds provided under other Federal programs (other than those of the DOT) may be used as match for capital funds provided under section 5317, and

revenue from contract services may be used as local match.

Funding is available for transportation services provided by public, non-profit, or private-for-profit operators. Assistance may be provided for a variety of transportation services and strategies directed at assisting persons with disabilities address unmet transportation needs. Eligible public transportation services and public transportation alternatives funded under the New Freedom program must be both new and beyond the ADA. (In FY 2007, FTA published interim guidance holding Designated Recipients harmless for project selections conducted in good faith based on FTA's earlier preliminary determination that eligible services could be either new or beyond the ADA. Grants awarded in FY 2008 are now subject to the requirements of the final guidance which was published April 1, 2007.)

The Federal share is 80 percent of capital expenses and 50 percent of operating expenses. Funds provided under other Federal programs (other than those of the DOT) may be used for local/state match for funds provided under section 5317, and revenue from service contracts may be used as local match.

States and Designated Recipients may use up to ten percent of their annual apportionment to administer, plan, and provide technical assistance for a funded project. No local share is required for these program administrative funds. Funds used under this program for planning must be shown in the UPWP for MPO(s) with responsibility for that area.

The Designated Recipient must certify that: The projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and, the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public, including those representing the needs of welfare recipients and eligible low-income individuals. The locally developed, coordinated public transit-human services transportation planning process must be coordinated and consistent with the metropolitan and statewide planning processes and funding for the program must included in the metropolitan and statewide Transportation Improvement Plan (TIP and STIP) at a level of specificity or aggregation consistent with State and local policies and procedures. Finally, the State must certify that allocations of the grant to subrecipients are made on a fair and equitable basis.

The coordinated planning requirement is also a requirement in two additional programs. Projects selected for funding under the section 5310 program and the JARC program are also required to be derived from a locally developed coordinated public transit-human service transportation plan. FTA anticipates that most areas will develop one consolidated plan for all the programs, which may include separate elements and other human service transportation programs.

The New Freedom program is subject to the relevant requirements of section 5307, but certification of labor protections is not required. FTA published a new circular for this program, FTA C 9045.1, which was effective May 1, 2007. The circular is posted on the FTA Web site at *http://www.fta.dot.gov*.

4. Period of Availability

FTA has established a consistent three-year period of availability for New Freedom, JARC, and the section 5310 program, which includes the year of apportionment plus two additional years. FY 2008 funding is available through FY 2010. Any funding that remains unobligated on September 30, 2010 will revert to FTA for reapportionment among the States and large UZAs under the New Freedom program.

5. Other Program or Apportionment Related Information and Highlights

a. Designated Recipient. FTA must have received formal notification from the Governor or Governor's designee of the Designated Recipient for New Freedom funds apportioned to a State or large UZA before awarding a grant to that area for New Freedom projects.

b. Transfers to section 5307 or 5311. States may transfer New Freedom funds to section 5307 or section 5311, but only for projects competitively selected under the New Freedom program, not as a general supplement for those programs. FTA anticipates that the States would use this flexibility for projects to be implemented by a section 5307 recipient in a small urbanized area or for Federally recognized Indian Tribes that elect to receive funds as a direct recipient from FTA under section 5311. FTA has established a scope code (647) to track New Freedom projects included within a section 5307 or 5311 grant. Transfer to section 5307 or 5311 is permitted but not required. FTA will also award stand-alone section 5317 grants to the State for any and all subrecipients. In order to track disbursements accurately against the appropriate program, FTA will not combine New Freedom funds with section 5307 funds in a single section 5307 grant, nor will FTA combine New Freedom with JARC funds in a single section 5307 grant.

c. Performance Measures. To support the evaluation of the program and Departmental reporting under the Governmental Performance and Results Act and the Office of Management and Budget's Performance Assessment and Rating Tool, FTA has incorporated reporting for performance measures into the annual progress report all New Freedom grantees submit in TEAM.

O. Alternative Transportation in Parks and Public Lands (49 U.S.C. 5320)

The Alternative Transportation in Parks and Public Lands (ATPPL) program is administered by FTA in partnership with the Department of the Interior (DOI) and the U.S. Department of Agriculture's Forest Service. The purpose of the program is to enhance the protection of national parks and Federal lands, and increase the enjoyment of those visiting them. The program funds capital and planning expenses for alternative transportation systems such as buses and trams in federally-managed parks and public lands. Federal land management agencies and State, tribal and local governments acting with the consent of a Federal land management agency are eligible to apply. DOI, after consultation with and in cooperation with FTA, determines the final selection and funding of projects.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, makes $25 million available for the program in FY 2008. Ten percent of the funds are reserved for administration and technical assistance. FTA published a Notice of Funding Availability (NOFA) in the **Federal Register** on December 13, 2007, inviting applications for projects to be funded in FY 2008. Applications are due to FTA on February 29, 2008.

2. Program Requirements

Projects are competitively selected based on criteria specified in the Notice of Funding Availability. The terms and conditions applicable to the program are also specified in the NOFA. Projects must conserve natural, historical, and cultural resources, reduce congestion and pollution, and improve visitor mobility and accessibility. No more than 25 percent may be allocated for any one project.

3. Period of Availability

The funds under the Alternative Transportation in Parks and Public Lands remain available until expended.

4. Other Program or Apportionment Related Information and Highlights.

Project selections for the FY 2007 funding were published in the **Federal Register** on October 15, 2007. Forty-six projects were awarded totaling $19,788,840.

P. Alternatives Analysis Program (49 U.S.C. 5339)

The Alternatives Analysis Program provides grants to States, authorities of the States, metropolitan planning organizations, and local government authorities to develop studies as part of the transportation planning process. These studies include an assessment of a wide range of public transportation alternatives designed to address a transportation problem in a corridor or subarea; sufficient information to enable the Secretary to make the findings of project justification and local financial commitment required; the selection of a locally preferred alternative; and the adoption of the locally preferred alternative as part of the state or regional long-range transportation plan. For more information about this program contact Ron Fisher, Office of Planning and Environment, at (202) 366–4033.

1. FY 2008 Funding Availability

The Consolidated Appropriations Act, 2008, provides $24,691,100 to the Alternatives Analysis Program (49 U.S.C. 5339).

ALTERNATIVE ANALYSIS PROGRAM

Total Appropriation	$25,000,000
Ob lim reduction/Rescission	−308,900
Total Available	24,691,100

2. Basis for Allocation of Funds

SAFETEA–LU designated projects for FY 2006 and FY 2007. There are no SAFETEA–LU project designations for FY 2008. The Consolidated Appropriations Act, 2008, provided an obligation limitation of $24,691,100 derived from reducing the appropriated $25,000,000 by two percent. FTA will publish allocations under the Alternative Analysis program at a later date.

3. Requirements

Alternatives Analysis program funds may be made available to States, authorities of the States, metropolitan planning organizations, and local governmental authorities. The Government's share of the cost of an activity funded may not exceed 80 percent of the cost of the activity. The funds will be awarded as separate section 5339 grants. The grant requirements will be comparable to those for section 5309 grants. Eligible projects include planning and corridor studies and the adoption of locally preferred alternatives within the fiscally constrained Metropolitan Transportation Plan for that area. Funds awarded under the Alternatives Analysis Program must be shown in the UPWP for MPO(s) with responsibility for that area. Pre-award authority applies to these funds after Congress appropriates funds for these projects and the allocations are published in an FTA notice of apportionments and allocations.

Legislation to amend an FY 2006 or 2007 earmark under section 3037(c) of SAFETEA–LU is necessary should a recipient wish to use section 5339 funds for eligible project activities outside the scope of the project description. Unless otherwise specified in law, grants made under the Alternatives Analysis program must meet all other eligibility requirements as outlined in section 5309.

4. Period of Availability

Funds designated for specific Alternatives Analysis Program projects remain available for obligation for three fiscal years, which includes the year of appropriation plus two additional fiscal years. The FY 2008 funding for projects included in this notice remains available through September 30, 2010. Alternatives Analysis funds not obligated in an FTA grant for their original purpose at the end of the period of availability will generally be made available for other projects.

5. Other Program or Apportionment Related Information and Highlights

Table 21 lists prior year carryover of $28,560,000 for Alternative Analysis projects that was made available in FY 2006 and FY 2007. This amount includes $4,351,000 for FY 2006; $12,900,000 for FY 2007; and $11,309,000 for discretionary projects funded by FTA using unallocated funds from FY 2006 and FY 2007.

Q. Growing States and High Density States Formula Factors

The Consolidated Appropriations Act, 2008, makes $438,000,000 available for apportionment in accordance with the formula factors prescribed for Growing States and High Density States in section 5340 of SAFETEA-LU. Fifty percent of this amount (or $219,000,000) is apportioned to eligible States and urbanized areas using the Growing State formula factors. The other 50 percent is apportioned to eligible States and urbanized areas using the High Density States formula factors. Based on application of the formulas, $150,159,165 of the Growing States funding was apportioned to urbanized areas and $68,840,835 to nonurbanized areas. All of the $219,000,000 allotted to High Density States was apportioned to urbanized areas.

The term ''State'' is defined only to mean the 50 States. For the Growing State portion of section 5340, funds are allocated based on the population forecasts for fifteen years after the date of that census. Forecasts are based on the trend between the most recent decennial census and Census Bureau population estimates for the most current year. Census population estimates as of December 27, 2007 were used in the FY 2008 apportionments Funds allocated to the States are then sub-allocated to urbanized and non-urbanized areas based on forecast population, where available. If forecasted population data at the urbanized level is not available, as is currently the case, funds are allocated to current urbanized and non-urbanized areas on the basis of current population in the 2000 Census. Funds allocated to urbanized areas are included in their section 5307 apportionment. Funds allocated for non-urbanized areas are included in the states' section 5311 apportionments.

R. Over-the-Road Bus Accessibility Program (49 U.S.C. 5310 Note)

The Over-the-Road Bus Accessibility (OTRB) Program authorizes FTA to make grants to operators of over-the-road buses to help finance the incremental capital and training costs of complying with the DOT over-the-road bus accessibility final rule, 49 CFR Part 37, published on September 28, 1998 (63 FR 51670). FTA conducts a national solicitation of applications, and grantees are selected on a competitive basis. For more information about the OTRB program contact Blenda Younger, Office of Transit Programs, at (202) 366–2053.

1. Funding Availability in FY 2008

The Consolidated Appropriations Act, 2008, provides $8,300,000 for the Over-the-Road Bus Accessibility (OTRB) Program, which is the total amount allocable for OTRB, as shown in the table below.

OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM

Total Appropriation	$8,300,000
Funds Available for Competitive Allocation	8,300,000

Of this amount, $6,225,000 is allocable to providers of intercity fixed-route service, and $2,075,000 to other providers of over-the-road bus services, including local fixed-route service, commuter service, and charter and tour service.

2. Program Requirements

Projects are competitively selected. The Federal share of the project is 90 percent of net project cost. Program guidance is provided in the **Federal Register** notice soliciting applications. In the Notice of Funding Availability (NOFA) for FY 2007 funds, published on September 14, 2007, FTA reserved the right to use applications received in response to that Notice to allocate FY 2008 funds as well, depending on the timing of the Appropriations Act. Applications were due by November 13, 2007. Since FTA has not yet announced FY 2007 funding selections, we will allocate FY 2007 and 2008 funds to applicants who responded to the FY 2007 NOFA. We will publish a notice in the near future announcing these project selections. Assistance is available to private operators of over-the-road buses used substantially or exclusively in intercity, fixed route, over-the-road bus service, and to private operators of over-the-road buses in other services, such as charter, tour, and commuter service. Capital projects eligible for funding include projects to add lifts and other accessibility components to new vehicle purchases and to purchase lifts to retrofit existing vehicles. Eligible training costs include developing training materials or providing training for local providers of over-the-road bus services.

3. Period of Availability

FTA has observed that some private operators selected to receive funding under this program have not acted promptly to obligate the funds in a grant and request reimbursement for expenditures. While the program does not have a statutory period of availability, as of this Notice FTA is limiting the period of availability to a selected operator to three years, which includes the year of allocation, plus two additional years. Funds for project selections announced in FY 2008 will be reallocated if not obligated in a grant by September 30, 2010. Funds for projects selected in FY 2006 or prior years will be reallocated in FY 2009 if not obligated in a grant by September 30, 2008.

4. Other Program or Apportionment Related Information and Highlights

FTA is currently evaluating proposals submitted in response to the FY 2007 solicitation and will publish successful applicants for FY 2007 and FY 2008 funding in the **Federal Register** in the second quarter of FY 2008. The notice will be available at *http://www.fta.dot.gov/laws/leg_reg_federal_register.html/.*

V. FTA Policy and Procedures for FY 2008 Grants Requirements

A. Automatic Pre-Award Authority to Incur Project Costs

1. *Caution to New Grantees.* While we provide pre-award authority to incur expenses prior to grant award for many projects, we recommend that first-time grant recipients NOT utilize this automatic pre-award authority and wait until the grant is actually awarded by FTA before incurring costs. As a new grantee, it is easy to misunderstand pre-award authority conditions and not be aware of all of the applicable FTA requirements that must be met in order to be reimbursed for project expenditures incurred in advance of grant award. FTA programs have specific statutory requirements that are often different from those for other Federal grant programs with which new grantees may be familiar. If funds are expended for an ineligible project or activity, FTA will be unable to reimburse the project sponsor and, in certain cases, the entire project may be rendered ineligible for FTA assistance.

2. *Policy.* FTA provides pre-award authority to incur expenses prior to grant award for certain program areas described below. This pre-award authority allows grantees to incur certain project costs prior to grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This pre-award spending authority permits a grantee to incur costs on an eligible transit capital, operating, planning, or administrative project without prejudice to possible future Federal participation in the cost of the project. In the **Federal Register** Notice of November 30, 2006, FTA extended pre-award authority for capital assistance under all formula programs through FY 2009, the duration of SAFETEA–LU. FTA provides pre-award authority for planning and operating assistance under the formula programs without regard to the period of the authorization. In addition, we extend pre-award authority for certain discretionary programs based on the annual Appropriations Act each year. All pre-award authority is subject to conditions and triggers stated below:

a. FTA does not impose additional conditions on pre-award authority for operating, planning, or administrative assistance under the formula grant programs. Grantees may be reimbursed for expenses incurred prior to grant award so long as funds have been expended in accordance with all Federal requirements. In addition to cross-cutting Federal grant requirements, program specific requirements must be met. For example, a planning project must have been included in a Unified Planning Work Program (UPWP); a New Freedom operating assistance project or a JARC planning or operating project must have been derived from a coordinated public transit-human services transportation plan (coordinated plan) and competitively selected by the Designated Recipient prior to incurring expenses; expenditure on State Administration expenses under State Administered programs must be consistent with the State Management Plan. Designated Recipients for JARC and New Freedom have pre-award authority for the ten percent of the apportionment they may use for program administration, if the use is consistent with their Program Management Plan.

b. Pre-Award authority for Alternatives Analysis planning projects under 49 U.S.C. 5339, as amended by SAFETEA–LU, is triggered by the publication of the allocation in FTA's **Federal Register** Notice of Apportionments and Allocations following the annual Appropriations Act, or announcement of additional discretionary allocations, as happened in FY 2007. The projects must be included in the UPWP of the MPO for that metropolitan area.

c. Pre-award authority for design and environmental work on a capital project is triggered by the authorization of formula funds, or the appropriation of funds for a discretionary project.

d. Following authorization of formula funds or appropriation and publication of discretionary projects, pre-award authority for capital project implementation activities including property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials is triggered by completion of the environmental review process with

FTA's concurrence in the categorical exclusion (CE) determination or signing of an environmental Record of Decision (ROD) or Finding of No Significant Impact (FONSI). Prior to exercising pre-award authority, grantees must comply with the conditions and Federal requirements outlined in paragraph 3 below. Failure to do so will render an otherwise eligible project ineligible for FTA financial assistance. Capital projects under the section 5310, JARC, and New Freedom programs must comply with specific program requirements, including coordinated planning and competitive selection. In addition, prior to incurring costs, grantees are strongly encouraged to consult with the appropriate FTA regional office regarding the eligibility of the project for future FTA funds and the applicability of the conditions and Federal requirements.

e. Pre-award authority applies to the section 5309 Capital Investment Bus and Bus-Related Facilities, the Clean Fuels Bus program, high priority project designations, and any other transit discretionary projects designated in SAFETEA–LU only AFTER funds have been appropriated. Thus pre-award authority is extended now only for FY 2006, FY 2007, and FY 2008 project funding in these programs. For section 5309 Capital Investment Bus and Bus-Related, Clean Fuels Program, or other transit capital discretionary projects such as those designated in an annual Appropriations Act, the date that costs may be incurred is: (1) For design and environmental review, the appropriations bill which funds the project was enacted; and (2) for property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials, the date that FTA approves the document (ROD, FONSI, or CE determination) that completes the environmental review process required by the National Environmental Policy Act (NEPA) and its implementing regulations. FTA introduced this new trigger for pre-award authority in FY 2006 in recognition of the growing prevalence of new grantees unfamiliar with Federal and FTA requirements to ensure FTA's continued ability to comply with NEPA and related environmental laws. Because FTA does not sign a final NEPA document until MPO and statewide planning requirements (including air quality conformity requirements, if applicable) have been satisfied, this new trigger for pre-award will ensure compliance with both planning and environmental requirements prior to irreversible action by the grantee.

f. In previous notices FTA extended pre-award authority to section 330 projects and those surface transportation projects commonly referred to as section 115 projects administered by FTA, for which amounts were provided in the Consolidated Appropriations Act, 2004, section 117 projects in the 2005 Appropriations Act, and section 112 of the 2006 Appropriations Act that are to be administered by FTA. FTA in this Notice extends pre-award authority to transit projects included in the Consolidated Appropriations Act, 2008, or high priority projects in SAFETEA–LU, as of the date they are transferred or allotted to FTA for administration. The same conditions described for bus projects apply to these projects. We strongly encourage any prospective applicant that does not have a previous relationship with FTA to review Federal grant requirements with the FTA regional office before incurring costs.

g. Blanket pre-award authority does not apply to section 5309 Capital Investment New Starts funds. Specific instances of pre-award authority for Capital Investment New Starts projects are described in paragraph 4 below. Pre-award authority does not apply to Capital Investment Bus and Bus-Related or Clean Fuels projects authorized for funding beyond this fiscal year. Before an applicant may incur costs for Capital Investment New Starts projects, Bus and Bus-Related projects, or any other projects not yet published in a notice of apportionments and allocations, it must first obtain a written Letter of No Prejudice (LONP) from FTA. To obtain an LONP, a grantee must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office, as described below.

3. *Conditions.* The conditions under which pre-award authority may be utilized are specified below:

a. Pre-award authority is not a legal or implied commitment that the subject project will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all items undertaken by the applicant will be eligible for inclusion in the project.

b. All FTA statutory, procedural, and contractual requirements must be met.

c. No action will be taken by the grantee that prejudices the legal and administrative findings that the Federal Transit Administrator must make in order to approve a project.

d. Local funds expended by the grantee pursuant to and after the date of the pre-award authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant or grant amendment for the project. Local funds expended by the grantee prior to the date of the pre-award authority will not be eligible for credit toward local match or reimbursement. Furthermore, the expenditure of local funds on activities such as land acquisition, demolition, or construction prior to the date of pre-award authority for those activities (i.e., the completion of the NEPA process) would compromise FTA's ability to comply with Federal environmental laws and may render the project ineligible for FTA funding.

e. The Federal amount of any future FTA assistance awarded to the grantee for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/local match ratio at the time the funds are obligated.

f. For funds to which the pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.

g. When a grant for the project is subsequently awarded, the Financial Status Report, in TEAM-Web, must indicate the use of pre-award authority.

h. Environmental, Planning, and Other Federal Requirements.

All Federal grant requirements must be met at the appropriate time for the project to remain eligible for Federal funding. The growth of the Federal transit program has resulted in a growing number of inexperienced grantees who make compliance with Federal planning and environmental laws increasingly challenging. FTA has therefore modified its approach to pre-award authority to use the completion of the NEPA process, which has as a prerequisite the completion of planning and air quality requirements, as the trigger for pre-award authority for all activities except design and environmental review.

i. The requirement that a project be included in a locally adopted metropolitan transportation plan, the metropolitan transportation improvement program and Federally-approved statewide transportation improvement program (23 CFR part 450) must be satisfied before the grantee may advance the project beyond planning and preliminary design with non-Federal funds under pre-award authority. If the project is located within an EPA-designated non-attainment area for air quality, the conformity requirements of the Clean Air Act, 40 CFR part 93, must also be met before the project may be advanced into implementation-related activities under pre-award authority. Compliance with NEPA and other environmental laws and executive orders (e.g., protection of

parklands, wetlands, and historic properties) must be completed before State or local funds are spent on implementation activities, such as site preparation, construction, and acquisition, for a project that is expected to be subsequently funded with FTA funds. The grantee may not advance the project beyond planning and preliminary design before FTA has determined the project to be a categorical exclusion, or has issued a finding of no significant impact (FONSI) or an environmental record of decision (ROD), in accordance with FTA environmental regulations, 23 CFR part 771. For planning projects, the project must be included in a locally-approved Unified Planning Work Program (UPWP) that has been coordinated with the State.

j. In addition, Federal procurement procedures, as well as the whole range of applicable Federal requirements (e.g., Buy America, Davis-Bacon Act, Disadvantaged Business Enterprise) must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project ineligible for Federal funding. In short, this increased administrative flexibility requires a grantee to make certain that no Federal requirements are circumvented through the use of pre-award authority. If a grantee has questions or concerns regarding the environmental requirements, or any other Federal requirements that must be met before incurring costs, it should contact the appropriate regional office.

4. *Pre-Award Authority for New Starts Projects.*

a. Preliminary Engineering (PE) and Final Design (FD). Projects proposed for section 5309 New Starts funds are required to follow a Federally defined New Starts project development process. This New Starts process includes, among other things, FTA approval of the entry of the project into PE and into FD. In accordance with section 5309(d), FTA considers the merits of the project, the strength of its financial plan, and its readiness to enter the next phase in deciding whether or not to approve entry into PE or FD. Upon FTA approval to enter PE, FTA extends pre-award authority to incur costs for PE activities. Upon FTA approval to enter FD, FTA extends pre-award authority to incur costs for FD activities. The pre-award authority for each phase is automatic upon FTA's signing of a letter to the project sponsor approving entry into that phase. PE and FD are defined in the New Starts regulation entitled Major Capital Investment Projects, found at 49 CFR part 611.

b. Real Property Acquisition Activities. FTA extends automatic pre-award authority for the acquisition of real property and real property rights for a New Starts project upon completion of the NEPA process for that project. The NEPA process is completed when FTA signs an environmental Record of Decision (ROD) or Finding of No Significant Impact (FONSI), or makes a Categorical Exclusion (CE) determination. With the limitations and caveats described below, real estate acquisition for a New Starts project may commence, at the project sponsor's risk, upon completion of the NEPA process.

For FTA-assisted projects, any acquisition of real property or real property rights must be conducted in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and its implementing regulations, 49 CFR part 24. This pre-award authority is strictly limited to costs incurred: (i) To acquire real property and real property rights in accordance with the URA regulation, and (ii) to provide relocation assistance in accordance with the URA regulation. This pre-award authority is limited to the acquisition of real property and real property rights that are explicitly identified in the final environmental impact statement (FEIS), environmental assessment (EA), or CE document, as needed for the selected alternative that is the subject of the FTA-signed ROD or FONSI, or CE determination. This pre-award authority does not cover site preparation, demolition, or any other activity that is not strictly necessary to comply with the URA, with one exception. That exception is when a building that has been acquired, has been emptied of its occupants, and awaits demolition poses a potential fire-safety hazard or other hazard to the community in which it is located, or is susceptible to reoccupation by vagrants. Demolition of the building is also covered by this pre-award authority upon FTA's written agreement that the adverse condition exists.

Pre-award authority for property acquisition is also provided when FTA makes a CE determination for a protective buy or hardship acquisition in accordance with 23 CFR 771.117(d)(12), and when FTA makes a CE determination for the acquisition of a pre-existing railroad right-of-way in accordance with 49 U.S.C. 5324(c). When a tiered environmental review in accordance with 23 CFR 771.111(g) is being used, pre-award authority is NOT provided upon completion of the first-tier environmental document except when the Tier-1 ROD or FONSI signed by FTA explicitly provides such pre-award authority for a particular identified acquisition.

Project sponsors should use pre-award authority for real property acquisition and relocation assistance very carefully, with a clear understanding that it does not constitute a funding commitment by FTA. FTA provides pre-award authority upon completion of the NEPA process to maximize the time available to project sponsors to move people out of their homes and places of business, in accordance with the requirements of the Uniform Relocation Act, but also with maximum sensitivity to the plight of the people so affected. Although FTA provides pre-award authority for property acquisition upon completion of the NEPA process, FTA will not make a grant to reimburse the sponsor for real estate activities conducted under pre-award authority until the project has been approved into FD. Even if funds have been appropriated for the project, the timing of an actual grant for property acquisition and related activities must await FD approval to ensure that Federal funds are not risked on a project whose advancement beyond PE is still not yet assured.

c. National Environmental Policy Act (NEPA) Activities. NEPA requires that major projects proposed for FTA funding assistance be subjected to a public and interagency review of the need for the project, its environmental and community impacts, and alternatives to avoid and reduce adverse impacts. Projects of more limited scope also need a level of environmental review, either to support an FTA finding of no significant impact (FONSI) or to demonstrate that the action is categorically excluded from the more rigorous level of NEPA review.

FTA's regulation titled ''Environmental Impact and Related Procedures,'' at 23 CFR part 771 states that the costs incurred by a grant applicant for the preparation of environmental documents requested by FTA are eligible for FTA financial assistance (23 CFR 771.105(e)). Accordingly, FTA extends pre-award authority for costs incurred to comply with NEPA regulations and to conduct NEPA-related activities for a proposed New Starts or Small Starts project, effective as of the date of the Federal approval of the relevant STIP or STIP amendment that includes the project or any phase of the project. NEPA-related activities include, but are not limited to, public involvement activities, historic preservation reviews, section 4(f)

evaluations, wetlands evaluations, endangered species consultations, and biological assessments. This pre-award authority is strictly limited to costs incurred to conduct the NEPA process, and to prepare environmental, historic preservation and related documents. It does not cover PE activities beyond those necessary for NEPA compliance.

For many FTA programs, costs incurred by a grant applicant exercising pre-award authority in the preparation of environmental documents required by FTA are eligible for FTA reimbursement (See also 23 CFR 771.105(e)). FTA assistance for environmental documents for New Starts and Small Starts projects, however, is subject to certain restrictions. Under SAFETEA–LU, section 5309 New Starts funds cannot be used for any activity, including a NEPA-related activity that occurs prior to the approval of a New Starts project into PE or a Small Starts project into Project Development (PD). Section 5339 (Alternatives analysis program), section 5307 (Urban Formula program) and flexible highway funds are available for NEPA work conducted prior to PE approval (for New Starts) or PD approval (for Small Starts). Section 5309 New Starts funds, however, as well as section 5307 (Urban Formula program) and flexible highway funds, can be used for NEPA work conducted after PE approval (for New Starts) or PD approval (for Small Starts). NEPA-related activities include, but are not limited to, public involvement activities, historic preservation reviews, section 4(f) evaluations, wetlands evaluations, endangered species consultations, and biological assessments. As with any pre-award authority, FTA reimbursement for costs incurred is not guaranteed.

d. Other New Starts Activities Requiring Letter of No Prejudice (LONP). Except as discussed in paragraphs a) through c) above, a grant applicant must obtain a written LONP from FTA before incurring costs for any activity expected to be funded by New Start funds not yet awarded. To obtain an LONP, an applicant must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office, as described in B below.

5. *Pre-Award Authority for Small Starts.* When FTA issues a Project Development approval letter for a Small Starts project, FTA grants pre-award authority for the engineering and design activities necessary to complete NEPA. Upon FTA's issuance of a Record of Decision (ROD), a Finding of No Significant Impact (FONSI), or a Categorical Exclusion (CE) determination, pre-award authority is granted to incur costs for all other project engineering activities including right-of-way acquisition and utility relocation. When FTA issues a Project Construction Grant Agreement (PCGA), FTA grants pre-award authority for the construction phase of the project. Pre-award authority for NEPA-related work on a Small Starts project is described in paragraph 4.c above. Pre-award authority for real property acquisition activities for a Small Starts project is granted under the same conditions and for the same reasons as for New Starts projects, as described in paragraph 4.b above.

B. Letter of No Prejudice (LONP) Policy

1. Policy

LONP authority allows an applicant to incur costs on a project utilizing non-Federal resources, with the understanding that the costs incurred subsequent to the issuance of the LONP may be reimbursable as eligible expenses or eligible for credit toward the local match should FTA approve the project at a later date. LONPs are applicable to projects and project activities not covered by automatic pre-award authority. The majority of LONPs will be for section 5309 New Starts or Small Starts funds not covered under a full funding grant agreement (FFGA) or PCGA, or for section 5309 Bus and Bus-Related projects authorized but not yet appropriated by Congress. At the end of an authorization period, LONPs may be issued for formula funds beyond the life of the current authorization or FTA's extension of automatic pre-award authority.

2. Conditions and Federal Requirements

The conditions for pre-award authority specified in section VIII A2 above apply to all LONPs. The Environmental, Planning and Other Federal Requirements described in section V.A.3, also apply to all LONPs. Because project implementation activities may not be initiated prior to NEPA completion, FTA will not issue an LONP for such activities until the NEPA process has been completed with a ROD, FONSI, or Categorical Exclusion determination.

3. Request for LONP

Before incurring costs for a project not covered by automatic pre-award authority, the project sponsor must first submit a written request for an LONP, accompanied by adequate information and justification, to the appropriate regional office and obtain written approval from FTA. FTA approval of an LONP for a New Starts or Small Starts project is determined on a case-by-case basis. As a prerequisite to FTA approval of an LONP for a New Starts or Small Starts project, FTA will require project sponsors to demonstrate project worthiness and readiness that establish the project as a promising candidate for an FFGA or PCGA. For New Starts projects, this usually cannot be determined prior to the project's approval to enter final design. However, there may be limited instances where LONP requests prior to entry into final design are approved, if strongly justified. Projects will be assessed based upon the criteria considered in the New Start evaluation process. Specifically, when requesting an LONP, the applicant shall provide sufficient information to allow FTA to consider the following items:

a. Description of the activities to be covered by the LONP.

b. Justification for advancing the identified activities. The justification should include an accurate assessment of the consequences to the project scope, schedule, and budget should the LONP not be approved.

c. Data that indicates that the project will maintain its ability to receive a rating of ''medium'', or better and that its cost-effectiveness rating will be ''medium'' or better, unless such project has been specifically exempted from such a requirement.

d. Allocated level of risk and contingency for the activity requested.

e. Status of procurement progress, including, if appropriate, submittal of bids for the activities covered by the LONP.

f. Strength of the capital and operating financial plan for the New Starts project and the future transit system.

g. Adequacy of the Project Management Plan.

h. Resolution of any readiness issues that would affect the project, such as land acquisition and technical capacity to carry out the project.

C. FTA FY 2008 Annual List of Certifications and Assurances

The full text of the FY 2008 Certifications and Assurances was published in the **Federal Register** on October 25, 2007, and is available on the FTA Web site and in TEAM-Web. The FY 2008 Certifications and Assurances must be used for all grants made in FY 2008, including obligation of carryover. All grantees with active grants were required to have signed the FY 2008 Certifications and Assurances within 90 days after publication. Any questions regarding this document may be

addressed to the appropriate Regional Office or to Nydia Picayo, in the FTA Office of Program Management, at (202) 366–1662.

D. FHWA Funds Used for Transit Purposes

SAFETEA–LU continues provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and TEA–21 that expanded modal choice in transportation funding by including substantial flexibility to transfer funds between FTA and FHWA formula program funding categories. In addition, SAFETEA–LU included a provision allowing for transfer of certain discretionary program funds for administration of highway projects by FHWA and transit projects by FTA. FTA and FHWA execute Flex Funding Transfers between the Formula and Bus Grants Transit programs and the Federal Aid Highway programs. This has also included the transfer of State planning set-aside funds from FHWA to FTA to be combined with metropolitan and statewide planning resources as Consolidated Planning Grants (CPG). These transfers are based on States requests to transfer funding from the Highway and/or Transit programs to fund States and local project priorities, and joint planning needs. This practice can result in transfers to the Federal Transit Program from the Federal Aid Highway Program or vice versa.

1. Transfer Process for Funds

SAFETEA–LU was enacted in August, 2005. With the enactment of SAFETEA–LU, beginning in FY2006, public transit programs are funded solely from general funds or trust funds. The transit formula and bus grant programs are now funded from the Mass Transit Account of the Highway Trust Fund. The Formula and Bus Grant Programs receives flex funding transfers from the Federal Aid Highway Program.

As a result of the changes to program funding mechanisms, there is no longer a requirement to transfer budget authority and liquidating cash resources simultaneously upon the execution of a Flex Funding transfer request by a State. Since the transfers are between trust fund accounts, the only requirement is to transfer budget authority (obligation limitation) between the Federal Aid Program trust fund account and the Federal Transit Formula and Bus Grant Program account. At the point in time that the obligation resulting from the transfer of budgetary authority is expended, a transfer of liquidating cash will be required.

Beginning in FY 2007, the accounting process was changed for transfers of flex funds and other specific programs to allow budget authority to be transferred and the cash to be transferred separately. FTA requires that flexed fund transfers to FTA be in separate and identifiable grants in order to ensure that the draw-down of flexed funds can be tracked, thus securing the internal controls for monitoring these resources from the Federal Highway Administration to avoid deficiencies in FTA's Formula and Bus Grants account.

FTA will need to monitor the expenditures of flexed funded grants and request the transfer of liquidating cash from FHWA to ensure sufficient funds are available to meet expenditures. To facilitate tracking of grantees'' flex funding expenditures, FTA developed codes to provide distinct identification of ''flex funds.''

The process for transferring flexible funds between FTA and FHWA programs is described below. Note that the new transfer process for ''flex funds'' that began in FY 2007 does not apply to the transfer of State planning set-aside funds from FHWA to FTA to be combined with metropolitan and statewide planning resources as Consolidated Planning Grants (CPG). These transfers are based on States requests to transfer funding from the Highway and/or Transit programs to fund States and local project priorities, and joint planning needs. Planning funds transferred will be allowed to be merged in a single grant with FTA planning resources using the same process implemented in FY 2006. For information on the process for the transfer of funds between FTA and FHWA planning programs refer to section IV.A and B. Note also that certain prior year appropriations earmarks (sections 330, 115, 117, and 112) are allotted annually for administration rather than being transferred. For information regarding these procedures, please contact Kristen D. Clarke, FTA Budget Office, at (202) 366–1686; or FHWA Budget Division, at (202) 366–2845.

a. Transfer From FHWA to FTA

FHWA funds can only be designated for use in transit capital projects that emanate or come out of the metropolitan and statewide planning and programming process. The project must be included in an approved STIP before the funds can be transferred. By letter, the State DOT requests the FHWA Division Office to transfer highway funds for a transit project. The letter should specify the project, amount to be transferred, apportionment year, State, urbanized area, Federal aid apportionment category (i.e., Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) or identification of the earmark and indication of the intended FTA formula program (i.e., section 5307, 5311 or 5310) and should include a description of the project as contained in the STIP. Note that FTA may also administer certain transfers of statutory earmarks under the section 5309 bus program, for tracking purposes.

The FHWA Division Office confirms that the apportionment amount is available for transfer and concurs in the transfer, by letter to the State DOT and FTA. The FHWA Office of Budget and Finance then transfers obligation authority. All FHWA CMAQ and STP funds transferred to FTA will be transferred to one of the three FTA formula programs (i.e. Urbanized Area Formula (section 5307), Nonurbanized Area Formula (section 5311) or Elderly and Persons with Disabilities (section 5310). High Priority projects in SAFETEA–LU Section 1702 or Transportation Improvement projects in SAFETEA–LU section 1934 and other Congressional earmarks when necessary that are transferred to FTA will be aligned and administered through FTA's discretionary Bus Program (section 5309).

The FTA grantee's application for the project must specify which program the funds will be used for, and the application must be prepared in accordance with the requirements and procedures governing that program. Upon review and approval of the grantee's application, FTA obligates funds for the project.

Transferred funds are treated as FTA formula or discretionary funds, but are assigned a distinct identifying code for tracking purposes. The funds may be transferred for any capital purpose eligible under the FTA formula program to which they are transferred and, in the case of CMAQ, for certain operating costs. FHWA issued revised interim guidance on project eligibility under the CMAQ program in a Notice at 71 FR 76038 *et seq.* (December 19, 2006) incorporating changes made by SAFETEA–LU. In accordance with 23 U.S.C. 104(k), all FTA requirements except local share are applicable to transferred funds except in certain cases when CMAQ funds are authorized for operating expenses. Earmarks that are transferred to the section 5309 Bus Program for administration, however, can be used for the Congressionally designated transit purpose and are not limited to eligibility under the Bus Program.

In the event that transferred formula funds are not obligated for the intended

purpose within the period of availability of the formula program to which they were transferred, they become available to the Governor for any eligible capital transit project. Earmarked funds, however, can only be used for the Congressionally designated purpose.

b. Transfers From FTA to FHWA

The MPO submits a written request to the FTA regional office for a transfer of FTA section 5307 formula funds (apportioned to a UZA 200,000 and over in population) to FHWA based on approved use of the funds for highway purposes, as determined by the designated recipient under section 5307 and contained in the Governor's approved State Transportation Improvement Program. The MPO must certify that: (1) Notice and opportunity for comment and appeal has been provided to affected transit providers; (2) the funds are not needed for capital investments required by the Americans with Disabilities Act, and (3) local transit needs are being addressed. The FTA Regional Administrator reviews and concurs in the request, then forwards the approval in written format to FTA Headquarters, where a reduction equal to the dollar amount being transferred to FHWA is made to the grantee's Urbanized Area Formula Program apportionment.

Transfers of discretionary earmarks for administration by FHWA are handled on a case by case basis, by the FTA regional office, in consultation with the FTA Office of Program Management and Office of Budget and Policy.

c. Matching Share for FHWA Transfers

The provisions of Title 23 U.S.C. regarding the non-Federal share apply to Title 23 funds used for transit projects. Thus, FHWA funds transferred to FTA retain the same matching share that the funds would have if used for highway purposes and administered by FHWA.

There are four instances in which a Federal share higher than 80 percent would be permitted. First, in States with large areas of Indian and certain public domain lands and national forests, parks and monuments, the local share for highway projects is determined by a sliding scale rate, calculated based on the percentage of public lands within that State. This sliding scale, which permits a greater Federal share, but not to exceed 95 percent, is applicable to transfers used to fund transit projects in these public land States. FHWA develops the sliding scale matching ratios for the increased Federal share.

Second, commuter carpooling and vanpooling projects and transit safety projects using FHWA transfers administered by FTA may retain the same 100 percent Federal share that would be allowed for ride-sharing or safety projects administered by FHWA.

The third instance is the 100 percent Federally-funded safety projects; however, these are subject to a nationwide 10 percent program limitation.

The fourth instance occurs with CMAQ funds. H.R. 6, The Energy Independence and Security Act, 2007, increased the federal share of CMAQ projects to 100% at the State's discretion. FTA will honor this increased match for CMAQ funds transferred to FTA for implementation if the state chooses to fund the project at a higher federal share than 80 percent. The federal share for CMAQ projects cannot be lower than 80 percent.

d. Miscellaneous Transit Earmarks in FHWA Programs

The FY 2002 and FY 2003 Appropriations Acts and accompanying reports included section 330, which identified a number of transit projects among projects designated to receive funding from certain FHWA funding sources. The FY 2004 Appropriations Act similarly included transit projects among projects designated to receive funding from certain FHWA sources in section 115, the FY 2005 Appropriations Act included a set of designations under section 117, and the FY 2006 Appropriations Act included designations under section 112, which may include some projects that FHWA will identify to be administered by FTA. For those projects identified by FHWA as transit in nature, FHWA allots the funds to FTA to administer. The funds are available for the designated project until obligated and expended. Some of these FY 2002–2006 designations for transit projects have not yet been obligated. However, because these are FHWA funds, funds for projects unobligated at the end of the fiscal year are not automatically available as carry over made available in the following fiscal year. Instead FHWA re-allots obligation authority to FTA annually, after reconciling account balances. Because the requirements and procedures associated with these projects differ in some cases from those for the FTA programs that FTA grantees are familiar with, and the availability of funds for obligation by FTA depends on allotments from FHWA, transit applicants seeking funding under these miscellaneous FHWA designations must work closely with the appropriate FTA regional office and FHWA Division Office when applying for a grant under these designations.

E. Grant Application Procedures

1. Grantees must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number for inclusion in all applications for a Federal grant or cooperative agreement. The DUNS number should be entered into the grantee profile in TEAM-Web. Additional information about this and other Federal grant streamlining initiatives mandated by the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) can be accessed on OMB's Web site at *http://www.whitehouse.gov/omb/grants/reform.html.*

2. All applications for FTA funds should be submitted electronically to the appropriate FTA regional office through TEAM-Web, an Internet-accessible electronic grant application system. FTA has provided limited exceptions to the requirement for electronic filing of applications.

3. In FY 2008, FTA remains committed to processing applications promptly upon receipt of a completed application by the appropriate regional office. In order for an application to be considered complete and for FTA to assign a grant number, enabling submission in TEAM-Web, the following requirements must be met:

a. The project is listed in a currently FTA approved Metropolitan Transportation Plan, Metropolitan Transportation Improvement Program (TIP); Statewide Transportation Improvement Program (STIP), or Unified Planning Work Program (UPWP).

b. All eligibility issues have been resolved.

c. Required environmental findings have been made.

d. The project budget's Activity Line Items (ALI), scope, and project description meet FTA requirements.

e. Local share funding source(s) have been identified.

f. The grantee's required Civil Rights submissions are current.

g. Certifications and assurances are properly submitted.

h. Funding is available, including any flexible funds included in the budget.

i. For projects involving new construction (using at least $100 million in New Starts or formula funds), FTA engineering staff has reviewed the project management plan and given approval.

j. When required for grants related to New Starts projects, PE and/or FD has been approved.

k. Milestone information is complete, or FTA determines that milestone information can be finalized before the grant is ready for award. The grant must include sufficient milestones appropriate to the scale of the project to allow adequate oversight to monitor the progress of projects from the start through completion and closeout.

4. Under most FTA programs, grants involving funding related to transit operations must be submitted to the Department of Labor for certification of labor protective arrangements, prior to grant award. In addition, before FTA can award grants for discretionary projects and activities designated by Congress, notification must be given to members of Congress, and in the case of awards greater than $500,000, to the House and Senate authorizing and appropriations committees three days prior to award. Discretionary grants allocated by FTA also go through the Congressional notification process if they are greater than $500,000. In previous years the amount requiring notification was $1 million; however, the Consolidated Appropriations Act, 2008, lowered the threshold for notification to $500,000 dollars.

5. Other important issues that impact FTA grant processing activities are discussed below.

a. Change in Budget Structure

Because SAFETEA–LU restructured FTA's accounts from all general funded accounts to one solely trust funded account and three general funded accounts, FTA does not mix funds from years prior to FY 2006 in the same grant with funds appropriated in FY 2006 and beyond (except for New Starts and research grants). Prior to FY 2006, all programs were funded approximately 80 percent trust funds from the Mass Transit Account (MTA) of the Highway Trust Fund and 20 percent General Funds from the U.S. Treasury. The trust funds were transferred into the general funded accounts at the beginning of the year. Under SAFETEA–LU most programs are funded entirely from trust funds derived from the Mass Transit Account, while the New Starts and Research programs are funded with general funds. For a New Starts or research project, carryover FY 2005 and prior year funds currently available for obligation, as well as, FY 2006, FY 2007, and FY 2008 funds may be included in an amendment to an existing grant.

For formula programs funded solely from trust funds beginning in FY2006, grantees may not combine funds appropriated since FY 2006 in the same grant with FY 2005 and prior year funds. Grant amendments cannot be made to add FY 2006 and later year funds to a grant that includes FY 2005 or prior funds. Obligations of FY 2005 and prior year carryover funds must be made in the original program accounts established under TEA–21 (either as an amendment to an existing grant or as a new grant) and cannot be combined with funds appropriated in FY 2006 or later. However, grantees are able to amend new grants established with FY 2006 or later year funds to add funds made available after FY 2006. We regret any inconvenience this accounting change may cause as we implement new statutory requirements under SAFETEA–LU. We encourage grantees to spend down and close out old grants as quickly as possible to minimize the inconvenience.

b. Grant Budgets—SCOPE and Activity Line Item (ALI) Codes

FTA uses the SCOPE and Activity Line Item (ALI) Codes in the grant budgets to track program trends, to report to Congress, and to respond to requests from the Inspector General and the Government Accountability Office (GAO), as well as to manage grants. The accuracy of the data is dependent on the careful and correct use of codes. As needed, we revise the SCOPE and ALI table to include new codes for newly eligible capital items, to better track certain expenditures, and to accommodate new or modified programs. We encourage grantees to review the table before selecting codes from the drop-down menus in TEAM-Web while creating a grant budget and to consult with the regional office in the correct use of codes.

c. Earmark and Discretionary Program Tracking

FTA has implemented procedures in TEAM-Web for matching grants to earmarks or projects selected by FTA under discretionary programs. Each earmark or selected discretionary project published in the **Federal Register** is associated with a unique identifier. Tables of earmarks and selected discretionary projects have also been established in TEAM-Web. When applying for a grant using funding designated by Congress or FTA for a particular project, grantees are asked to identify the amount of funding associated with each specific earmark or discretionary project used in the grant. Further instructions are posted on the TEAM-Web site and regional staff can provide additional assistance.

d. New Freedom and JARC—Administering Agency

The Governor must designate the state agency or agencies charged with administering the New Freedom and JARC formula programs and the recipient(s) designated to administer the program in each large urbanized area before FTA can award a grant to that State or large urbanized area. FTA will award grants for these programs only to the Designated Recipient for JARC or New Freedom, or, in the case of a large urbanized area, pursuant to a supplemental agreement with the Designated Recipient for JARC or New Freedom, to another entity that is the Designated Recipient for the section 5307 program. For Small Urbanized areas (under 200,000 population), the State Designated Recipient can transfer funds to the section 5307 program for FTA to award direct grants to small urbanized area recipients.

F. Payments

Once a grant has been awarded and executed, requests for payment can be processed. To process payments FTA uses ECHO-Web, an Internet accessible system that provides grantees the capability to submit payment requests on-line, as well as receive user-IDs and passwords via e-mail. New applicants should contact the appropriate FTA regional office to obtain and submit the registration package necessary for set-up under ECHO-Web.

G. Oversight

FTA conducts periodic oversight reviews to assess grantee compliance with Federal requirements. Each urbanized area grantee is reviewed every three years (a Triennial Review). Triennial reviews have been modified to look at the grantee's involvement in the coordinated planning for transportation for the populations targeted by the JARC and New Freedom programs and participation in delivery of specialized services under those programs in the urbanized area. States are reviewed periodically for their management of the section 5310, 5311, JARC, and New Freedom programs. Other more detailed reviews are scheduled based on an annual grantee risk assessment, for example, reviews in the areas of Procurement, Financial Management, Safety and Civil Rights.

H. Technical Assistance

FTA headquarters and regional staff will be pleased to answer your questions and provide any technical assistance you may need to apply for FTA program funds and manage the grants you receive. This notice and the

program guidance circulars previously identified in this document may be accessed via the FTA Web site at *http://www.fta.dot.gov*.

In addition, copies of the following circulars and other useful information are available on the FTA Web site and may be obtained from FTA regional offices: 4220.1E, Third Party Contracting Requirements, dated June 19, 2003; and C5010.1C, Grant Management Guidelines, dated October 1, 1998. These circulars are currently being updated but remain effective until superseded by the new final circulars, expected to be issued during FY 2008. The FY 2008 Annual List of Certifications and Assurances and Master Agreement are also posted on the FTA Web site. The DOT final rule on ''Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,'' which was effective July 16, 2003, can be found at *http://www.access.gpo.gov/nara/cfr/waisidx_04/49cfr26_04.html/*.

Issued in Washington, DC, this 16th day of January, 2008.

James S. Simpson,

Administrator.

Appendix A

FTA Regional Offices

Richard H. Doyle, Regional Administrator, Region 1—Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142–1093, Tel. 617 494–2055.

States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Brigid Hynes-Cherin, Regional Administrator, Region 2—New York, One Bowling Green, Room 429, New York, NY 10004–1415, Tel. 212 668–2170.

States served: New Jersey, New York.

Letitia Thompson, Regional Administrator, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103–4124, Tel. 215 656–7100.

States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.

Yvette Taylor, Regional Administrator, Region 4—Atlanta, Atlanta Federal Center, Suite 17T50, 61 Forsyth Street SW., Atlanta, GA 30303, Tel. 404 562–3500.

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Marisol Simon, Regional Administrator, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312 353–2789.

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Robert C. Patrick, Regional Administrator, Region 6—Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817 978–0550.

States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.

Mokhtee Ahmad, Regional Administrator, Region 7—Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816 329–3920.

States served: Iowa, Kansas, Missouri, and Nebraska.

Terry Rosapep, Regional Administrator, Region 8—Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228–2583, Tel. 720 963–3300.

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Leslie T. Rogers, Regional Administrator, Region 9—San Francisco, 201 Mission Street, Room 2210, San Francisco, CA 94105–1926, Tel. 415 744–3133.

States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.

Rick Krochalis, Regional Administrator, Region 10—Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174–1002, Tel. 206 220–7954.

States served: Alaska, Idaho, Oregon, and Washington.

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FEDERAL TRANSIT ADMINISTRATION

TABLE 1

FY 2008 APPROPRIATIONS AND APPORTIONMENTS FOR GRANT PROGRAMS

1 of 2

FORMULA AND BUS GRANTS	
Section 5303 Metropolitan Transportation Planning Program	
Total Available	$88,510,400
Less Oversight (one-half percent)	(442,552)
Reapportioned Funds	161,873
Total Apportioned	$88,229,721
Section 5304 Statewide Transportation Planning Program	
Total Available	$18,489,600
Less Oversight (one-half percent)	(92,448)
Reapportioned Funds	2,565
Total Apportioned	$18,399,717
Section 5307 Urbanized Area Formula Program	
Total Available	$3,910,843,000
Less Oversight (three-fourths percent)	(29,331,323)
Reapportioned Funds	9,026,596
Total Apportioned	$3,890,538,273
Section 5308 Clean Fuels Program	49,000,000
Section 5309 Bus and Bus Facility Program	
Total Available	$823,052,962 1/
Less Oversight (one percent)	(8,230,530)
Funds Available for Allocation	$814,822,432
Section 5309 Fixed Guideway Modernization	
Total Available	$1,570,000,000
Less Oversight (one percent)	(15,700,000)
Reapportioned Funds	327,028
Total Apportioned	$1,554,627,028
Section 5310 Special Needs of Elderly Individuals and Individuals with Disabilities Program	
Total Available	$127,000,000
Less Oversight (one-half percent)	(635,000)
Reapportioned Funds	358,652
Total Apportioned	$126,723,652
Section 5311 Nonurbanized Area Formula Program	
Total Available	$417,240,000
Less Oversight (one-half percent)	(2,190,000)
Reapportioned Funds	943,489
Total Apportioned	$415,993,489

FEDERAL TRANSIT ADMINISTRATION

TABLE 1

FY 2008 APPROPRIATIONS AND APPORTIONMENTS FOR GRANT PROGRAMS

Section 5311(b)(3) Rural Transit Assistance Program (RTAP)		
Total Available	$8,760,000	
Less Amount Reserved for National RTAP	(1,314,000)	
Reapportioned Funds	115,124	
Total Apportioned	$7,561,124	
Section 5311(c) Public Transportation on Indian Reservations	$12,000,000	
Section 5316 Job Access and Reverse Commute Program		
Total Available	$156,000,000	
Total Apportioned	$156,000,000	
Section 5317 New Freedom Program		
Total Available	$87,500,000	
Total Apportioned	$87,500,000	
Section 5320 Alternative Transportation in Parks and Public Lands		
Total Available	$25,000,000	
Less Oversight (one-half percent)	(125,000)	
Funds Available for Allocation	$24,875,000	
Section 5339 Alternative Analysis Program		
Total Available	$24,691,000	2/
Funds Available for Allocation	$24,691,000	
Section 5340 Growing States and High Density States Formula		
Total Available	$438,000,000	3/
Total Apportioned	$438,000,000	
Over-the-Road Bus Accessibility Program (Pub. L. 105-85, Section 3038)	$8,300,000	
CAPITAL INVESTMENT GRANTS		
Section 5309 New Starts		
Total Available	$1,569,091,997	
Less Oversight (one percent)	(15,690,920)	
Funds Available for Allocation	$1,553,401,077	
RESEARCH		
Section 5314 National Research Program	$65,362,900	
TOTAL APPROPRIATION (Above Grant Programs)	**$9,398,841,859**	4/
TOTAL APPORTIONMENT/ALLOCATION (Above Grant Programs)	**$9,311,150,413**	

1/ Includes rescission in the amount of $104,697,038.

2/ Includes rescission in the of $308,900.

3/ Apportionments derived from the Section 5340 formula are combined with the Section 5307 or Section 5311 apportionments, as appropriate, in accordance with language in the SAFETEA-LU conference report. The amount of FY 2007 Section 5340 funds allotted to Sections 5307 and 5311 apportionments is $369,159,165 and $68,840,835, respectively.

4/ The total amount appropriated for FTA programs in the 2007 Appropriations Act is $9.6 billion. The amount shown here only includes funding for the programs included in this notice and shown above.

FEDERAL TRANSIT ADMINISTRATION

TABLE 2

FY 2008 SECTION 5303 METROPOLITAN TRANSPORTATION PLANNING PROGRAM AND SECTION 5304 STATEWIDE TRANSPORTATION PLANNING PROGRAM APPORTIONMENTS

STATE	SECTION 5303 APPORTIONMENT	SECTION 5304 APPORTIONMENT
Alabama	$667,864	$174,098
Alaska	352,919	91,999
Arizona	1,764,504	350,505
Arkansas	352,919	91,999
California	13,880,085	2,692,316
Colorado	1,322,274	288,157
Connecticut	980,065	255,469
Delaware	352,919	91,999
District of Columbia	352,919	91,999
Florida	5,765,855	1,208,072
Georgia	2,274,154	449,335
Hawaii	352,919	91,999
Idaho	352,919	91,999
Illinois	4,892,915	873,310
Indiana	1,329,238	305,911
Iowa	383,538	99,980
Kansas	448,449	108,325
Kentucky	559,701	140,516
Louisiana	874,410	227,408
Maine	352,919	91,999
Maryland	1,977,711	385,420
Massachusetts	2,598,472	505,389
Michigan	2,902,632	590,003
Minnesota	1,238,723	243,205
Mississippi	352,919	91,999
Missouri	1,306,551	277,186
Montana	352,919	91,999
Nebraska	352,919	91,999
Nevada	645,946	150,341
New Hampshire	352,919	91,999
New Jersey	4,092,966	695,402
New Mexico	352,919	91,999
New York	7,801,319	1,390,539
North Carolina	1,293,910	337,295
North Dakota	352,919	91,999
Ohio	2,807,774	655,717
Oklahoma	510,439	133,061
Oregon	785,209	177,230
Pennsylvania	3,624,858	736,407
Puerto Rico	1,464,030	311,809
Rhode Island	364,664	91,999
South Carolina	644,679	168,054
South Dakota	352,919	91,999
Tennessee	1,019,999	265,892
Texas	6,476,721	1,326,973
Utah	601,419	156,777
Vermont	352,919	91,999
Virginia	2,002,268	422,715
Washington	1,880,789	385,988
West Virginia	352,919	91,999
Wisconsin	1,045,967	254,930
Wyoming	352,919	91,999
TOTAL	**$88,229,721**	**$18,399,717**

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
1,000,000 or more in Population	$3,047,715,354
200,000 - 999,999 in Population	768,507,152
50,000 - 199,999 in Population	443,474,932
National Total	$4,259,697,438

Amounts Apportioned to Urbanized Areas 1,000,000 or more in Population:

Atlanta, GA	$62,936,680
Baltimore, MD	54,678,190
Boston, MA--NH--RI	137,359,963
Chicago, IL--IN	235,016,015
Cincinnati, OH--KY--IN	18,161,896
Cleveland, OH	29,071,296
Columbus, OH	11,549,641
Dallas--Fort Worth--Arlington, TX	63,106,691
Denver--Aurora, CO	43,172,180
Detroit, MI	41,628,451
Houston, TX	64,419,001
Indianapolis, IN	11,392,363
Kansas City, MO--KS	14,313,374
Las Vegas, NV	24,132,550
Los Angeles--Long Beach--Santa Ana, CA	275,270,150
Miami, FL	99,987,166
Milwaukee, WI	20,644,976
Minneapolis--St. Paul, MN	48,055,945
New Orleans, LA	17,350,348
New York--Newark, NY--NJ--CT	831,196,068
Orlando, FL	18,758,250
Philadelphia, PA--NJ--DE--MD	137,525,448
Phoenix--Mesa, AZ	46,102,262
Pittsburgh, PA	35,115,730
Portland, OR--WA	35,910,049
Providence, RI--MA	32,293,517
Riverside--San Bernardino, CA	26,039,288
Sacramento, CA	21,382,291
San Antonio, TX	22,231,414
San Diego, CA	56,511,482
San Francisco--Oakland, CA	126,592,170
San Jose, CA	39,215,456
San Juan, PR	34,073,462
Seattle, WA	88,702,272
St. Louis, MO--IL	31,484,525
Tampa--St. Petersburg, FL	23,483,183
Virginia Beach, VA	17,649,775
Washington, DC--VA--MD	151,201,836
Total	**$3,047,715,354**

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Amounts Apportioned to Urbanized Areas 200,000 to 999,999 in Population	
Aguadilla--Isabela--San Sebastian, PR	$3,761,746
Akron, OH	6,229,946
Albany, NY	10,138,778
Albuquerque, NM	8,073,681
Allentown--Bethlehem, PA--NJ	7,677,253
Anchorage, AK	22,925,308
Ann Arbor, MI	4,588,670
Antioch, CA	6,040,667
Asheville, NC	1,774,138
Atlantic City, NJ	10,021,258
Augusta-Richmond County, GA--SC	2,395,162
Austin, TX	17,466,164
Bakersfield, CA	5,833,175
Barnstable Town, MA	5,188,867
Baton Rouge, LA	5,493,982
Birmingham, AL	6,199,249
Boise City, ID	2,542,031
Bonita Springs--Naples, FL	2,248,530
Bridgeport--Stamford, CT--NY	24,243,803
Buffalo, NY	16,916,527
Canton, OH	3,724,977
Cape Coral, FL	4,117,102
Charleston--North Charleston, SC	4,415,549
Charlotte, NC--SC	14,881,144
Chattanooga, TN--GA	3,298,387
Colorado Springs, CO	6,116,626
Columbia, SC	3,900,096
Columbus, GA--AL	2,131,809
Concord, CA	20,010,842
Corpus Christi, TX	4,556,255
Davenport, IA--IL	3,637,221
Dayton, OH	15,152,973
Daytona Beach--Port Orange, FL	4,322,519
Denton--Lewisville, TX	2,762,085
Des Moines, IA	5,476,003
Durham, NC	6,016,212
El Paso, TX--NM	10,771,130
Eugene, OR	4,486,400
Evansville, IN--KY	2,035,746
Fayetteville, NC	2,343,048
Flint, MI	6,070,385
Fort Collins, CO	2,440,565
Fort Wayne, IN	2,853,008
Fresno, CA	8,069,304
Grand Rapids, MI	7,140,885
Greensboro, NC	3,559,406
Greenville, SC	2,144,534
Gulfport--Biloxi, MS	1,811,247

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Harrisburg, PA	4,854,671
Hartford, CT	20,359,587
Honolulu, HI	26,804,799
Huntsville, AL	1,753,303
Indio--Cathedral City--Palm Springs, CA	3,347,820
Jackson, MS	2,452,419
Jacksonville, FL	15,417,322
Knoxville, TN	4,097,118
Lancaster, PA	3,654,820
Lancaster--Palmdale, CA	7,368,026
Lansing, MI	5,003,702
Lexington-Fayette, KY	3,478,804
Lincoln, NE	2,666,996
Little Rock, AR	3,824,645
Louisville, KY--IN	12,547,684
Lubbock, TX	2,699,086
Madison, WI	6,690,256
McAllen, TX	3,327,523
Memphis, TN--MS--AR	12,528,869
Mission Viejo, CA	9,459,319
Mobile, AL	2,868,774
Modesto, CA	3,956,048
Nashville-Davidson, TN	8,140,358
New Haven, CT	18,228,253
Ogden--Layton, UT	6,495,684
Oklahoma City, OK	7,135,686
Omaha, NE--IA	6,977,245
Oxnard, CA	7,244,741
Palm Bay--Melbourne, FL	4,401,175
Pensacola, FL--AL	2,921,765
Peoria, IL	2,954,074
Port St. Lucie, FL	2,208,351
Poughkeepsie--Newburgh, NY	15,965,382
Provo--Orem, UT	5,027,451
Raleigh, NC	6,290,139
Reading, PA	3,007,016
Reno, NV	5,147,348
Richmond, VA	10,125,634
Rochester, NY	11,195,760
Rockford, IL	2,619,457
Round Lake Beach--McHenry--Grayslake, IL--WI	4,027,448
Salem, OR	3,867,436
Salt Lake City, UT	22,669,272
Santa Rosa, CA	3,912,966
Sarasota--Bradenton, FL	6,283,973
Savannah, GA	3,151,745
Scranton, PA	4,040,432
Shreveport, LA	3,239,609
South Bend, IN--MI	4,009,971
Spokane, WA--ID	7,291,723
Springfield, MA--CT	12,014,180
Springfield, MO	2,142,314

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Stockton, CA	7,391,630
Syracuse, NY	6,916,868
Tallahassee, FL	2,402,351
Temecula--Murrieta, CA	2,788,109
Thousand Oaks, CA	2,818,845
Toledo, OH--MI	6,314,733
Trenton, NJ	10,756,396
Tucson, AZ	11,241,976
Tulsa, OK	6,044,068
Victorville--Hesperia--Apple Valley, CA	2,423,755
Wichita, KS	4,805,543
Winston-Salem, NC	2,746,047
Worcester, MA--CT	8,484,545
Youngstown, OH--PA	3,469,714
Total	**$768,507,152**

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 199,999 in Population	
ALABAMA	$7,873,111
Anniston, AL	730,902
Auburn, AL	675,888
Decatur, AL	642,847
Dothan, AL	616,397
Florence, AL	774,706
Gadsden, AL	606,518
Montgomery, AL	2,500,606
Tuscaloosa, AL	1,325,247
ALASKA	$791,473
Fairbanks, AK	791,473
ARIZONA	$3,873,185
Avondale, AZ	944,470
Flagstaff, AZ	700,418
Prescott, AZ	729,918
Yuma, AZ--CA	1,498,379
ARKANSAS	$5,322,609
Fayetteville--Springdale, AR	1,986,410
Fort Smith, AR--OK	1,308,784
Hot Springs, AR	527,100
Jonesboro, AR	551,667
Pine Bluff, AR	685,666
Texarkana, TX--Texarkana, AR	262,982
CALIFORNIA	$60,363,926
Atascadero--El Paso de Robles (Paso Robles), CA	663,370
Camarillo, CA	979,525
Chico, CA	1,538,119
Davis, CA	2,156,751
El Centro, CA	867,752
Fairfield, CA	2,353,404
Gilroy--Morgan Hill, CA	1,134,047
Hanford, CA	1,418,364
Hemet, CA	1,778,355
Livermore, CA	1,320,870
Lodi, CA	1,459,486
Lompoc, CA	783,134
Madera, CA	839,388
Manteca, CA	922,880
Merced, CA	2,015,940
Napa, CA	1,603,860
Petaluma, CA	1,114,504
Porterville, CA	924,105
Redding, CA	1,184,263
Salinas, CA	3,354,789
San Luis Obispo, CA	1,441,684
Santa Barbara, CA	4,011,629
Santa Clarita, CA	3,509,571
Santa Cruz, CA	3,169,254
Santa Maria, CA	2,034,206
Seaside--Monterey--Marina, CA	2,763,312
Simi Valley, CA	2,407,257
Tracy, CA	1,216,363
Turlock, CA	1,246,181

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Vacaville, CA	1,574,903
Vallejo, CA	4,056,790
Visalia, CA	1,895,048
Watsonville, CA	1,143,384
Yuba City, CA	1,469,379
Yuma, AZ--CA	12,059
COLORADO	$8,971,362
Boulder, CO	2,294,048
Grand Junction, CO	1,089,521
Greeley, CO	1,425,824
Lafayette--Louisville, CO	888,754
Longmont, CO	1,578,916
Pueblo, CO	1,694,299
CONNECTICUT	$19,500,607
Danbury, CT--NY	7,481,009
Norwich--New London, CT	3,435,738
Waterbury, CT	8,583,860
DELAWARE	$1,424,577
Dover, DE	1,387,544
Salisbury, MD--DE	37,033
FLORIDA	$23,097,108
Brooksville, FL	1,076,825
Deltona, FL	1,745,840
Fort Walton Beach, FL	1,774,229
Gainesville, FL	2,832,281
Kissimmee, FL	2,279,873
Lady Lake, FL	503,233
Lakeland, FL	2,610,844
Leesburg--Eustis, FL	1,071,627
North Port--Punta Gorda, FL	1,344,478
Ocala, FL	1,115,329
Panama City, FL	1,427,373
St. Augustine, FL	615,916
Titusville, FL	1,006,122
Vero Beach--Sebastian, FL	1,370,024
Winter Haven, FL	1,740,134
Zephyrhills, FL	582,980
GEORGIA	$9,350,986
Albany, GA	1,074,116
Athens-Clarke County, GA	1,288,290
Brunswick, GA	542,981
Dalton, GA	581,893
Gainesville, GA	873,913
Hinesville, GA	627,658
Macon, GA	1,613,995
Rome, GA	1,153,472
Valdosta, GA	660,943
Warner Robins, GA	933,725

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
HAWAII	$2,192,269
Kailua (Honolulu County)--Kaneohe, HI	2,192,269
IDAHO	$4,279,237
Coeur d'Alene, ID	913,833
Idaho Falls, ID	895,661
Lewiston, ID--WA	387,467
Nampa, ID	1,260,281
Pocatello, ID	821,995
ILLINOIS	$11,504,061
Alton, IL	988,435
Beloit, WI--IL	154,080
Bloomington--Normal, IL	1,772,780
Champaign, IL	2,705,101
Danville, IL	632,090
Decatur, IL	1,454,430
DeKalb, IL	896,218
Dubuque, IA--IL	36,883
Kankakee, IL	896,692
Springfield, IL	1,967,352
INDIANA	$11,705,408
Anderson, IN	1,098,861
Bloomington, IN	1,719,106
Columbus, IN	630,310
Elkhart, IN--MI	1,530,101
Kokomo, IN	897,604
Lafayette, IN	2,464,135
Michigan City, IN--MI	835,161
Muncie, IN	1,559,167
Terre Haute, IN	970,963
IOWA	$8,706,787
Ames, IA	1,328,822
Cedar Rapids, IA	2,258,053
Dubuque, IA--IL	947,561
Iowa City, IA	1,680,996
Sioux City, IA--NE--SD	1,099,901
Waterloo, IA	1,391,454
KANSAS	$3,331,303
Lawrence, KS	1,496,307
St. Joseph, MO--KS	13,090
Topeka, KS	1,821,906
KENTUCKY	$3,102,947
Bowling Green, KY	672,693
Clarksville, TN--KY	290,850
Huntington, WV--KY--OH	605,748
Owensboro, KY	812,108
Radcliff--Elizabethtown, KY	721,548
LOUISIANA	$8,974,045
Alexandria, LA	835,926
Houma, LA	1,450,423
Lafayette, LA	2,065,736
Lake Charles, LA	1,457,689
Mandeville--Covington, LA	671,100
Monroe, LA	1,623,712
Slidell, LA	869,459

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
MAINE	$4,580,028
Bangor, ME	665,451
Dover--Rochester, NH--ME	93,712
Lewiston, ME	961,273
Portland, ME	2,746,425
Portsmouth, NH--ME	113,167
MARYLAND	$12,031,855
Aberdeen--Havre de Grace--Bel Air, MD	3,145,536
Cumberland, MD-WV-PA	1,117,275
Frederick, MD	2,076,701
Hagerstown, MD--WV--PA	1,562,787
Salisbury, MD--DE	1,226,345
St. Charles, MD	1,576,875
Westminster, MD	1,326,336
MASSACHUSETTS	$7,066,118
Leominster--Fitchburg, MA	2,460,531
Nashua, NH--MA	547
New Bedford, MA	3,360,132
Pittsfield, MA	1,244,908
MICHIGAN	$13,987,393
Battle Creek, MI	896,221
Bay City, MI	1,158,786
Benton Harbor--St. Joseph, MI	664,772
Elkhart, IN--MI	19,023
Holland, MI	1,142,659
Jackson, MI	1,164,369
Kalamazoo, MI	2,490,606
Michigan City, IN--MI	5,447
Monroe, MI	641,519
Muskegon, MI	1,755,114
Port Huron, MI	1,232,752
Saginaw, MI	1,750,461
South Lyon--Howell--Brighton, MI	1,065,664
MINNESOTA	$5,335,746
Duluth, MN--WI	1,372,459
Fargo, ND--MN	531,571
Grand Forks, ND--MN	113,437
La Crosse, WI--MN	81,709
Rochester, MN	1,611,780
St. Cloud, MN	1,624,790
MISSISSIPPI	$1,324,569
Hattiesburg, MS	702,739
Pascagoula, MS	621,830
MISSOURI	$4,450,550
Columbia, MO	1,233,229
Jefferson City, MO	588,904
Joplin, MO	758,049
Lee's Summit, MO	775,465
St. Joseph, MO--KS	1,094,903
MONTANA	$3,071,523
Billings, MT	1,336,479
Great Falls, MT	867,805
Missoula, MT	867,239

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
N. MARIANA ISLANDS	$757,405
Saipan, MP	757,405
NEBRASKA	$214,264
Sioux City, IA--NE--SD	214,264
NEVADA	$774,579
Carson City, NV	774,579
NEW HAMPSHIRE	$5,562,461
Dover--Rochester, NH--ME	1,006,490
Manchester, NH	1,839,297
Nashua, NH--MA	2,179,449
Portsmouth, NH--ME	537,225
NEW JERSEY	$4,294,389
Hightstown, NJ	1,552,570
Vineland, NJ	1,730,420
Wildwood--North Wildwood--Cape May, NJ	1,011,399
NEW MEXICO	$2,996,572
Farmington, NM	559,721
Las Cruces, NM	1,214,700
Santa Fe, NM	1,222,151
NEW YORK	$11,386,119
Binghamton, NY--PA	2,908,110
Danbury, CT--NY	79,129
Elmira, NY	1,317,969
Glens Falls, NY	862,238
Ithaca, NY	1,329,810
Kingston, NY	1,419,889
Middletown, NY	771,177
Saratoga Springs, NY	853,845
Utica, NY	1,843,952
NORTH CAROLINA	$12,231,633
Burlington, NC	1,057,072
Concord, NC	1,223,761
Gastonia, NC	1,473,598
Goldsboro, NC	626,722
Greenville, NC	1,047,038
Hickory, NC	1,789,337
High Point, NC	1,472,491
Jacksonville, NC	1,080,975
Rocky Mount, NC	701,853
Wilmington, NC	1,758,786
NORTH DAKOTA	$3,829,645
Bismarck, ND	1,246,905
Fargo, ND--MN	1,747,047
Grand Forks, ND--MN	835,693
OHIO	$10,155,085
Huntington, WV--KY--OH	396,483
Lima, OH	850,016
Lorain--Elyria, OH	2,825,683
Mansfield, OH	908,159
Middletown, OH	1,185,703
Newark, OH	1,133,075
Parkersburg, WV--OH	278,996
Sandusky, OH	601,733

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Springfield, OH	1,148,714
Weirton, WV--Steubenville, OH--PA	479,055
Wheeling, WV--OH	347,468
OKLAHOMA	$2,386,950
Fort Smith, AR--OK	24,793
Lawton, OK	1,039,103
Norman, OK	1,323,054
OREGON	$3,151,405
Bend, OR	664,148
Corvallis, OR	746,749
Longview, WA--OR	17,795
Medford, OR	1,722,713
PENNSYLVANIA	$15,900,113
Altoona, PA	1,094,468
Binghamton, NY--PA	47,300
Cumberland, MD-WV-PA	226
Erie, PA	2,995,059
Hagerstown, MD--WV--PA	13,681
Hazleton, PA	623,840
Johnstown, PA	1,290,690
Lebanon, PA	958,535
Monessen, PA	1,266,616
Pottstown, PA	787,644
State College, PA	1,939,797
Uniontown--Connellsville, PA	871,084
Weirton, WV--Steubenville, OH--PA	2,966
Williamsport, PA	1,527,025
York, PA	2,481,182
PUERTO RICO	$11,675,074
Arecibo, PR	1,573,002
Fajardo, PR	1,024,231
Florida--Barceloneta--Bajadero, PR	699,799
Guayama, PR	914,138
Juana Diaz, PR	614,033
Mayaguez, PR	1,422,771
Ponce, PR	3,131,662
San German--Cabo Rojo--Sabana Grande, PR	1,100,652
Yauco, PR	1,194,786
RHODE ISLAND	0
SOUTH CAROLINA	$7,147,019
Anderson, SC	696,101
Florence, SC	1,051,952
Mauldin--Simpsonville, SC	855,239
Myrtle Beach, SC	1,287,451
Rock Hill, SC	717,175
Spartanburg, SC	1,698,137
Sumter, SC	840,964
SOUTH DAKOTA	$2,903,226
Rapid City, SD	890,211
Sioux City, IA--NE--SD	36,511
Sioux Falls, SD	1,976,504
TENNESSEE	$7,295,408
Bristol, TN--Bristol, VA	377,688
Clarksville, TN--KY	1,098,299

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Cleveland, TN	605,531
Jackson, TN	1,019,960
Johnson City, TN	1,041,945
Kingsport, TN--VA	913,741
Morristown, TN	564,440
Murfreesboro, TN	1,673,804
TEXAS	$38,055,124
Abilene, TX	1,458,058
Amarillo, TX	2,533,590
Beaumont, TX	1,672,739
Brownsville, TX	2,951,701
College Station--Bryan, TX	2,357,087
Galveston, TX	1,494,763
Harlingen, TX	1,383,732
Killeen, TX	2,474,311
Lake Jackson--Angleton, TX	982,485
Laredo, TX	3,879,041
Longview, TX	898,258
McKinney, TX	703,444
Midland, TX	1,334,046
Odessa, TX	1,464,439
Port Arthur, TX	1,647,099
San Angelo, TX	1,113,624
Sherman, TX	683,016
Temple, TX	870,042
Texarkana, TX--Texarkana, AR	501,664
Texas City, TX	1,264,668
The Woodlands, TX	1,190,043
Tyler, TX	1,235,404
Victoria, TX	645,978
Waco, TX	2,062,066
Wichita Falls, TX	1,253,826
UTAH	$2,141,663
Logan, UT	1,357,703
St. George, UT	783,960
VERMONT	$1,619,824
Burlington, VT	1,619,824
VIRGIN ISLANDS	$916,000 1/
VIRGINIA	$10,130,967
Blacksburg, VA	1,388,664
Bristol, TN--Bristol, VA	220,311
Charlottesville, VA	1,585,398
Danville, VA	584,214
Fredericksburg, VA	1,218,047
Harrisonburg, VA	1,044,945
Kingsport, TN--VA	17,262
Lynchburg, VA	1,063,347
Roanoke, VA	2,385,268
Winchester, VA	623,511
WASHINGTON	$15,556,126
Bellingham, WA	1,675,529
Bremerton, WA	2,527,700
Kennewick--Richland, WA	2,636,409
Lewiston, ID--WA	225,836
Longview, WA--OR	801,059
Marysville, WA	1,437,284
Mount Vernon, WA	846,570
Olympia--Lacey, WA	2,405,749

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

FY 2008 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Wenatchee, WA	1,349,624
Yakima, WA	1,650,366
WEST VIRGINIA	$6,408,911
Charleston, WV	2,356,730
Cumberland, MD-WV-PA	37,277
Hagerstown, MD--WV--PA	322,419
Huntington, WV--KY--OH	1,071,431
Morgantown, WV	899,680
Parkersburg, WV--OH	727,707
Weirton, WV--Steubenville, OH--PA	332,431
Wheeling, WV--OH	661,236
WISCONSIN	$18,128,294
Appleton, WI	2,707,146
Beloit, WI--IL	568,690
Duluth, MN--WI	433,985
Eau Claire, WI	1,426,927
Fond du Lac, WI	705,584
Green Bay, WI	2,540,644
Janesville, WI	889,529
Kenosha, WI	1,746,466
La Crosse, WI--MN	1,375,085
Oshkosh, WI	1,423,671
Racine, WI	1,967,663
Sheboygan, WI	1,259,453
Wausau, WI	1,083,451
WYOMING	$1,643,893
Casper, WY	771,829
Cheyenne, WY	872,064
Total	**$443,474,932**

1/ Language in section 5307(l) of SAFETEA-LU directs that the Virgin Islands be treated as an urbanized area.

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2008 SECTION 5307 APPORTIONMENT FORMULA

Distribution of Available Funds

Of the funds made available to the Section 5307 program, a one percent takedown is authorized for Small Transit Intensive Cities. This amount is apportioned to the Governors based on a separate formula that uses criteria related to specific service performance categories.

The remaining funds are apportioned to small, medium, and large sized urbanized areas (UZAs). 9.32% is made available for UZAs 50,000-199,999 in population, and 90.68% to UZAs 200,000 or more in population.

UZA Population and Weighting Factors

50,000-199,999 in population : 9.32% of available Section 5307 funds
(Apportioned to Governors)

50% apportioned based on population

50% apportioned based on population x population density

200,000 and greater in population: 90.68% of available Section 5307 funds
(Apportioned to UZAs)

33.29% (Fixed Guideway Tier*)

95.61% (Non-incentive Portion of Tier)

--- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater

60% - fixed guideway revenue vehicle miles

40% - fixed guideway route miles

4.39% ("Incentive" Portion of Tier)

-- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater

-- fixed guideway passenger miles x fixed guideway passenger miles/operating cost

66.71% ("Bus" Tier)

90.8% (Non-incentive Portion of Tier)

73.39% for UZAs with population 1,000,000 or greater

50% - bus revenue vehicle miles

25% - population

25% - population x population density

26.61% for UZAs pop. < 1,000,000

50% - bus revenue vehicle miles

25% - population

25% - population x density

9.2% ("Incentive" Portion of Tier)

-- bus passenger miles x bus passenger miles/operating cost

* Includes all fixed guideway modes, such as heavy rail, commuter rail, light rail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, exclusive busways, and HOV lanes.

FEDERAL TRANSIT ADMINISTRATION

TABLE 5

FISCAL YEAR 2008 FORMULA PROGRAMS APPORTIONMENT DATA UNIT VALUES

	APPORTIONMENT DATA UNIT VALUE
Section 5307 Urbanized Area Formula Program - Bus Tier	
Urbanized Areas Over 1,000,000:	
Population	$3.25853971
Population x Density	$0.00082680
Bus Revenue Vehicle Mile	$0.42395646
Urbanized Areas Under 1,000,000:	
Population	$2.98632337
Population x Density	$0.00130663
Bus Revenue Vehicle Mile	$0.54039684
Bus Incentive (PM denotes Passenger Mile):	
Bus PM x Bus PM = / Operating Cost	$0.00839703
Section 5307 Urbanized Area Formula Program - Fixed Guideway Tier	
Fixed Guideway Revenue Vehicle Mile	$0.61741157
Fixed Guideway Route Mile	$32,779
Commuter Rail Floor	$8,330,100
Fixed Guideway Incentive:	
Fixed Guideway PM x Fixed Guideway PM = / Operating Cost	$0.00066704
Commuter Rail Incentive Floor	$382,189
Section 5307 Urbanized Area Formula Program - Areas Under 200,000	
Population	$6.00722141
Population x Density	$0.00298827
Section 5307 Small Transit Intensive Cities	
For Each Qualifying Performance Category	$125,348
Section 5311 Urbanized Area Formula Program - Areas Under 50,000	
Population	$3.71723053

Section 5309 Capital Program - Fixed Guideway Modernization

	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Tier 7
Legislatively Specified Areas:						
Revenue Vehicle Mile	$0.03043443	-------	$0.13671435	$0.03404819	$0.02244936	$0.25212491
Route Mile	$2,122.43	-------	$7,825.39	$2,588.43	$1,706.65	$19,167.15
Other Urbanized Areas:						
Revenue Vehicle Mile	$0.16288440	$0.00576164	$0.13671435	$0.06696411	$0.05466458	$0.92089291
Route Mile	$4,758.70	$168.33	$7,825.39	$1,905.95	$1,555.88	$26,210.66

Notes:

1. Unit values for Section 5307 do not take into account Section 5340 funding added to the program.
2. The unit value for Section 5311 is based on the total nonurbanized/rural population for the States and territories. It does not take into account Section 5311 funds allocated based on land area in nonurbanized areas, or Section 5340 funding added to the program.

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2008 Small Transit Intensive Cities Performance Data and Apportionments

(Total Funding Available for Apportionment = $39,108,430)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ $125,348 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Alabama	Anniston, AL	0.000	0.000	0.000	0.000	0.000	0.000	0	$0
Alabama	Auburn, AL	0.905	15.351	5.412	0.319	4.899	1.369	0	0
Alabama	Decatur, AL	1.110	22.280	6.805	0.339	7.550	3.367	0	0
Alabama	Dothan, AL	0.912	13.434	8.468	0.575	7.725	2.351	0	0
Alabama	Florence, AL	1.167	18.380	8.857	0.562	10.337	2.953	0	0
Alabama	Gadsden, AL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Alabama	Montgomery, AL	3.181	51.338	7.342	0.455	23.356	4.612	0	0
Alabama	Tuscaloosa, AL	2.514	28.456	3.063	0.271	7.701	1.212	0	0
Alaska	Fairbanks, AK	6.353	101.948	8.773	0.547	55.737	7.679	2	250,695
Arizona	Avondale, AZ	5.198	0.000	1.826	0.000	9.489	0.000	0	0
Arizona	Flagstaff, AZ	2.865	40.230	10.049	0.716	28.786	11.096	0	0
Arizona	Prescott, AZ	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Arizona	Yuma, AZ--CA	1.769	24.310	10.596	0.771	18.745	2.777	1	125,348
Arkansas	Fayetteville--Springdale, AR	3.067	35.948	4.570	0.390	14.013	8.308	0	0
Arkansas	Fort Smith, AR--OK	1.903	25.801	4.575	0.337	8.708	1.904	0	0
Arkansas	Hot Springs, AR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Arkansas	Jonesboro, AR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Arkansas	Pine Bluff, AR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Atascadero--El Paso de Robles (Paso Robles), CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Camarillo, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Chico, CA	2.407	33.475	17.142	1.233	41.266	12.882	2	250,695
California	Davis, CA	8.793	149.257	18.328	1.080	161.162	49.565	6	752,084
California	El Centro, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Fairfield, CA	3.213	63.248	13.941	0.708	44.792	7.199	1	125,348
California	Gilroy--Morgan Hill, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Hanford, CA	3.500	48.834	21.731	1.558	76.065	23.056	3	376,043
California	Hemet, CA	1.746	0.000	5.832	0.000	10.184	0.000	0	0
California	Livermore, CA	3.644	0.000	5.483	0.000	19.980	0.000	0	0
California	Lodi, CA	1.751	17.848	6.081	0.597	10.651	4.180	0	0
California	Lompoc, CA	7.905	121.789	9.357	0.607	73.963	6.221	2	250,695
California	Madera, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Manteca, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2008 Small Transit Intensive Cities Performance Data and Apportionments

(Total Funding Available for Apportionment = $39,108,430)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ $125,348 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
California	Merced, CA	1.899	33.782	16.771	0.943	31.853	11.729	2	250,695
California	Napa, CA	2.909	40.775	13.942	0.995	40.552	10.560	2	250,695
California	Petaluma, CA	5.927	0.000	2.740	0.000	16.241	0.000	1	125,348
California	Porterville, CA	3.274	48.554	9.304	0.627	30.462	8.457	0	0
California	Redding, CA	3.418	52.297	10.242	0.669	35.003	7.174	0	0
California	Salinas, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	San Luis Obispo, CA	26.992	296.485	6.654	0.606	179.605	18.008	4	501,390
California	Santa Barbara, CA	10.662	149.850	14.741	1.049	157.168	37.639	6	752,084
California	Santa Clarita, CA	13.619	439.264	32.587	1.010	443.794	21.813	6	752,084
California	Santa Cruz, CA	8.541	122.688	21.717	1.512	185.479	30.826	6	752,084
California	Santa Maria, CA	2.167	29.690	5.611	0.410	12.161	8.259	0	0
California	Seaside--Monterey--Marina, CA	7.315	110.225	28.098	1.865	205.541	38.707	6	752,084
California	Simi Valley, CA	3.800	102.169	12.061	0.449	45.830	4.388	2	250,695
California	Tracy, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Turlock, CA	2.481	33.647	3.558	0.262	8.827	2.236	0	0
California	Vacaville, CA	5.164	0.000	0.993	0.000	5.126	0.000	0	0
California	Vallejo, CA	8.115	225.388	33.486	1.206	271.736	21.502	6	752,084
California	Visalia, CA	4.832	63.226	9.786	0.748	47.290	12.153	0	0
California	Watsonville, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Yuba City, CA	5.747	89.639	10.041	0.644	57.705	7.602	0	0
Colorado	Boulder, CO	10.032	0.000	15.356	0.000	154.051	0.000	3	376,043
Colorado	Grand Junction, CO	4.406	62.676	7.402	0.520	32.610	7.884	0	0
Colorado	Greeley, CO	3.295	39.585	5.933	0.494	19.546	5.195	0	0
Colorado	Lafayette--Louisville, CO	7.343	0.000	9.971	0.000	73.217	0.000	1	125,348
Colorado	Longmont, CO	7.415	0.000	21.689	0.000	160.812	0.000	3	376,043
Colorado	Pueblo, CO	3.822	55.013	6.860	0.477	26.222	8.378	0	0
Connecticut	Danbury, CT--NY	24.049	1864.934	41.469	0.535	997.300	5.853	4	501,390
Connecticut	Norwich--New London, CT	6.191	173.561	9.206	0.328	56.991	5.699	2	250,695
Connecticut	Waterbury, CT	23.022	1292.049	34.975	0.623	805.205	10.015	4	501,390
Delaware	Dover, DE	2.996	0.000	28.328	0.000	84.858	0.000	2	250,695
Florida	Brooksville, FL	1.768	35.739	5.446	0.269	9.627	1.825	0	0
Florida	Deltona, FL	3.028	0.000	9.142	0.000	27.683	0.000	0	0

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2008 Small Transit Intensive Cities Performance Data and Apportionments

(Total Funding Available for Apportionment = $39,108,430)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ $125,348 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Florida	Fort Walton Beach, FL	1.029	15.497	7.419	0.493	7.638	1.308	0	0
Florida	Gainesville, FL	10.047	115.612	18.193	1.581	182.792	53.919	6	752,084
Florida	Kissimmee, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	Lady Lake, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	Lakeland, FL	3.968	64.520	13.615	0.837	54.021	11.232	2	250,695
Florida	Leesburg--Eustis, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	North Port--Punta Gorda, FL	1.057	16.089	4.327	0.284	4.573	0.577	0	0
Florida	Ocala, FL	2.718	38.469	4.071	0.288	11.066	3.094	0	0
Florida	Panama City, FL	2.642	44.098	7.023	0.421	18.553	3.413	0	0
Florida	St. Augustine, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	Titusville, FL	6.775	0.000	12.195	0.000	82.624	0.000	3	376,043
Florida	Vero Beach--Sebastian, FL	0.978	11.009	6.891	0.612	6.738	3.506	0	0
Florida	Winter Haven, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	Zephyrhills, FL	5.184	0.000	4.074	0.000	21.120	0.000	0	0
Georgia	Albany, GA	5.520	89.667	7.065	0.435	39.002	7.706	0	0
Georgia	Athens-Clarke County, GA	6.027	79.039	7.648	0.583	46.095	13.866	1	125,348
Georgia	Brunswick, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Dalton, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Gainesville, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Hinesville, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Macon, GA	4.390	63.604	8.217	0.567	36.067	7.841	0	0
Georgia	Rome, GA	9.196	118.359	10.023	0.779	92.170	10.486	4	501,390
Georgia	Valdosta, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Warner Robins, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Hawaii	Kailua (Honolulu County)--Kaneohe, HI	10.206	0.000	2.077	0.000	21.200	0.000	1	125,348
Idaho	Coeur d'Alene, ID	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Idaho	Idaho Falls, ID	0.000	0.000	3.632	0.251	0.000	0.933	0	0
Idaho	Lewiston, ID--WA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Idaho	Nampa, ID	2.853	0.000	4.926	0.000	14.057	0.000	0	0
Idaho	Pocatello, ID	4.922	59.754	7.099	0.585	34.941	7.280	0	0
Illinois	Alton, IL	4.500	0.000	4.504	0.000	20.267	0.000	0	0
Illinois	Bloomington--Normal, IL	5.246	70.426	9.877	0.736	51.817	13.911	0	0

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2008 Small Transit Intensive Cities Performance Data and Apportionments

(Total Funding Available for Apportionment = $39,108,430)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ $125,348 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Illinois	Champaign, IL	9.056	103.430	22.554	1.975	204.259	80.250	6	752,084
Illinois	Danville, IL	2.616	40.445	6.634	0.429	17.354	7.682	0	0
Illinois	Decatur, IL	3.483	47.794	11.324	0.825	39.447	11.746	2	250,695
Illinois	DeKalb, IL	1.842	28.580	9.618	0.620	17.712	2.214	0	0
Illinois	Kankakee, IL	0.000	0.000	9.235	0.662	0.000	5.383	0	0
Illinois	Springfield, IL	2.592	32.672	9.636	0.765	24.980	9.238	1	125,348
Indiana	Anderson, IN	1.685	20.570	4.142	0.339	6.978	1.949	0	0
Indiana	Bloomington, IN	6.360	71.608	12.103	1.075	76.980	25.972	4	501,390
Indiana	Columbus, IN	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Indiana	Elkhart, IN--MI	1.962	31.251	5.792	0.364	11.364	2.257	0	0
Indiana	Kokomo, IN	1.080	11.092	10.857	1.057	11.727	2.471	1	125,348
Indiana	Lafayette, IN	9.627	111.407	11.739	1.014	113.015	34.565	6	752,084
Indiana	Michigan City, IN--MI	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Indiana	Muncie, IN	4.900	64.049	13.378	1.024	65.554	23.526	3	376,043
Indiana	Terre Haute, IN	1.060	10.256	4.427	0.458	4.693	2.325	0	0
Iowa	Ames, IA	5.662	60.652	20.736	1.936	117.404	82.270	4	501,390
Iowa	Cedar Rapids, IA	3.509	52.218	9.507	0.639	33.357	7.546	0	0
Iowa	Dubuque, IA--IL	3.998	46.696	8.850	0.758	35.380	10.554	1	125,348
Iowa.	Iowa City, IA	5.265	58.314	20.341	1.837	107.102	67.153	4	501,390
Iowa	Sioux City, IA--NE--SD	3.472	43.087	6.133	0.494	21.295	8.091	0	0
Iowa	Waterloo, IA	0.434	6.865	8.445	0.534	3.665	4.101	0	0
Kansas	Lawrence, KS	1.378	17.529	10.465	0.823	14.420	5.989	1	125,348
Kansas	Topeka, KS	4.007	57.245	9.681	0.678	38.789	10.783	0	0
Kentucky	Bowling Green, KY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Kentucky	Owensboro, KY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Kentucky	Radcliff--Elizabethtown, KY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Alexandria, LA	4.846	76.567	7.455	0.472	36.126	8.851	0	0
Louisiana	Houma, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Lafayette, LA	7.561	96.228	4.498	0.353	34.008	8.695	1	125,348
Louisiana	Lake Charles, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Mandeville--Covington, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Monroe, LA	13.856	200.363	6.598	0.456	91.413	9.753	3	376,043

FEDERAL TRANSIT ADMINISTRATION

Table 6

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	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Louisiana	Slidell, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Maine	Bangor, ME	5.286	69.759	9.651	0.731	51.015	12.713	0	0
Maine	Lewiston, ME	1.535	21.519	17.068	1.217	26.195	7.172	2	250,695
Maine	Portland, ME	13.443	145.675	10.044	0.927	135.019	14.059	5	626,737
Maryland	Aberdeen--Havre de Grace--Bel Air, MD	1.538	56.040	9.272	0.254	14.259	1.744	0	0
Maryland	Cumberland, MD--WV--PA	4.863	72.987	11.368	0.757	55.282	6.080	2	250,695
Maryland	Frederick, MD	3.161	41.071	8.834	0.680	27.926	5.467	0	0
Maryland	Hagerstown, MD--WV--PA	2.565	38.974	3.995	0.263	10.245	2.740	0	0
Maryland	Salisbury, MD--DE	0.984	21.987	42.375	1.897	41.708	10.256	2	250,695
Maryland	St. Charles, MD	2.779	58.281	15.845	34.913	0.132	0.000	2	250,695
Maryland	Westminster, MD	1.067	12.239	11.397	0.993	12.156	2.350	2	250,695
Massachusetts	Leominster--Fitchburg, MA	3.066	37.583	20.084	1.639	61.584	8.806	2	250,695
Massachusetts	New Bedford, MA	3.072	53.505	16.170	0.928	49.667	11.297	2	250,695
Massachusetts	Pittsfield, MA	1.000	14.297	22.374	1.565	22.374	10.488	2	250,695
Michigan	Battle Creek, MI	3.208	45.152	7.837	0.557	25.144	6.884	0	0
Michigan	Bay City, MI	2.061	34.842	20.444	1.209	42.130	7.810	2	250,695
Michigan	Benton Harbor--St. Joseph, MI	1.676	21.722	6.765	0.522	11.340	3.167	0	0
Michigan	Holland, MI	1.072	14.214	7.815	0.589	8.374	2.226	0	0
Michigan	Jackson, MI	2.103	33.956	11.914	0.738	25.055	7.672	1	125,348
Michigan	Kalamazoo, MI	4.266	48.677	11.016	0.966	46.999	15.411	2	250,695
Michigan	Monroe, MI	1.881	0.000	10.562	0.000	19.871	0.000	0	0
Michigan	Muskegon, MI	4.237	57.247	3.579	0.265	15.163	3.190	0	0
Michigan	Port Huron, MI	1.278	18.628	22.652	1.554	28.952	10.801	2	250,695
Michigan	Saginaw, MI	3.250	41.175	6.258	0.494	20.338	5.061	0	0
Michigan	South Lyon--Howell--Brighton, MI	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Minnesota	Duluth, MN--WI	4.766	61.376	15.358	1.193	73.194	22.971	3	376,043
Minnesota	Rochester, MN	5.432	82.230	11.929	0.788	64.801	16.049	3	376,043
Minnesota	St. Cloud, MN	4.347	59.691	16.197	1.180	70.408	21.550	3	376,043
Mississippi	Hattiesburg, MS	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Mississippi	Pascagoula, MS	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Missouri	Columbia, MO	4.682	52.098	5.195	0.467	24.326	5.695	0	0
Missouri	Jefferson City, MO	1.850	27.368	10.418	0.704	19.276	8.172	0	0

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2008 Small Transit Intensive Cities Performance Data and Apportionments

(Total Funding Available for Apportionment = $39,108,430)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ $125,348 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Missouri	Joplin, MO	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Missouri	Lee's Summit, MO	1.809	0.000	0.372	0.000	0.674	0.000	0	0
Missouri	St. Joseph, MO--KS	1.895	20.671	9.923	0.910	18.808	4.062	1	125,348
Montana	Billings, MT	3.267	48.799	8.005	0.536	26.155	7.558	0	0
Montana	Great Falls, MT	1.600	19.220	8.519	0.709	13.629	7.285	0	0
Montana	Missoula, MT	3.914	55.394	10.200	0.721	39.920	10.390	0	0
N. Mariana Islands	Saipan, MP	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Nevada	Carson City, NV	0.000	0.000	0.000	0.000	0.000	0.000	0	0
New Hampshire	Dover--Rochester, NH--ME	5.985	143.399	9.261	0.386	55.423	4.405	2	250,695
New Hampshire	Manchester, NH	2.607	32.939	3.783	0.299	9.862	3.165	0	0
New Hampshire	Nashua, NH--MA	4.218	53.906	2.388	0.187	10.071	1.962	0	0
New Hampshire	Portsmouth, NH--ME	5.932	0.000	2.807	0.000	16.654	0.000	1	125,348
New Jersey	Hightstown, NJ	5.624	0.000	0.005	0.000	0.027	0.000	0	0
New Jersey	Vineland, NJ	1.113	18.827	7.035	0.416	7.828	1.423	0	0
New Jersey	Wildwood--North Wildwood--Cape May, NJ	0.000	0.000	0.000	0.000	0.000	0.000	0	0
New Mexico	Farmington, NM	0.000	0.000	0.000	0.000	0.000	0.000	0	0
New Mexico	Las Cruces, NM	4.013	45.899	5.501	0.481	22.075	7.190	0	0
New Mexico	Santa Fe, NM	2.136	27.153	13.505	1.062	28.845	8.395	2	250,695
New York	Binghamton, NY--PA	3.779	51.887	16.228	1.182	61.324	19.049	3	376,043
New York	Elmira, NY	2.442	47.282	15.735	0.813	38.423	8.951	2	250,695
New York	Glens Falls, NY	3.672	56.079	5.360	0.351	19.682	5.478	0	0
New York	Ithaca, NY	4.036	52.547	35.034	2.691	141.408	57.225	4	501,390
New York	Kingston, NY	18.713	893.118	36.868	0.772	689.929	8.833	5	626,738
New York	Middletown, NY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
New York	Saratoga Springs, NY	7.634	0.000	6.374	0.000	48.658	0.000	1	125,348
New York	Utica, NY	3.170	40.704	9.498	0.740	30.108	9.965	0	0
North Carolina	Burlington, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Concord, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Gastonia, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Goldsboro, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Greenville, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Hickory, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2008 Small Transit Intensive Cities Performance Data and Apportionments

(Total Funding Available for Apportionment = $39,108,430)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ $125,348 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
North Carolina	High Point, NC	2.737	45.114	5.245	0.318	14.353	5.718	0	0
North Carolina	Jacksonville, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Rocky Mount, NC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
North Carolina	Wilmington, NC	2.811	37.930	7.507	0.556	21.099	8.771	0	0
North Dakota	Bismarck, ND	1.012	14.259	13.305	0.944	13.465	3.933	2	250,695
North Dakota	Fargo, ND--MN	3.629	47.314	7.622	0.585	27.663	9.080	0	0
North Dakota	Grand Forks, ND--MN	0.964	15.688	9.719	0.597	9.371	5.110	0	0
Ohio	Lima, OH	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Ohio	Lorain--Elyria, OH	3.253	108.371	15.786	0.474	51.357	4.409	2	250,695
Ohio	Mansfield, OH	2.984	31.144	4.104	0.393	12.246	4.014	0	0
Ohio	Middletown, OH	4.833	68.623	2.745	0.193	13.265	2.688	0	0
Ohio	Newark, OH	0.856	14.058	17.976	1.095	15.388	3.410	2	250,695
Ohio	Sandusky, OH	1.329	19.628	7.525	0.509	10.000	2.028	0	0
Ohio	Springfield, OH	3.091	40.745	3.425	0.260	10.587	4.587	0	0
Ohio	Weirton, WV--Steubenville, OH--PA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Oklahoma	Lawton, OK	2.851	42.181	6.586	0.445	18.778	3.464	0	0
Oklahoma	Norman, OK	4.437	50.484	5.727	0.503	25.410	11.199	0	0
Oregon	Bend, OR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Oregon	Corvallis, OR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Oregon	Medford, OR	2.360	35.507	10.000	0.665	23.597	10.939	0	0
Pennsylvania	Altoona, PA	3.867	51.143	7.049	0.533	27.259	8.287	0	0
Pennsylvania	Erie, PA	3.398	39.503	13.186	1.134	44.811	13.740	2	250,695
Pennsylvania	Hazleton, PA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Pennsylvania	Johnstown, PA	7.438	82.140	9.314	0.843	69.282	17.034	3	376,043
Pennsylvania	Lebanon, PA	2.316	36.773	11.862	0.747	27.479	4.714	1	125,348
Pennsylvania	Monessen, PA	16.271	310.645	15.596	0.817	253.759	6.000	5	626,738
Pennsylvania	Pottstown, PA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Pennsylvania	State College, PA	10.397	108.964	16.680	1.592	173.426	86.019	6	752,084
Pennsylvania	Uniontown--Connellsville, PA	0.000	0.000	22.047	1.207	0.000	4.229	2	250,695
Pennsylvania	Williamsport, PA	6.653	108.911	13.883	0.848	92.368	21.062	6	752,084
Pennsylvania	York, PA	3.194	43.381	11.586	0.853	37.001	8.754	2	250,695
Puerto Rico	Arecibo, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0

FEDERAL TRANSIT ADMINISTRATION

Table 6

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(Total Funding Available for Apportionment = $39,108,430)

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	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Puerto Rico	Fajardo, PR	12.676	0.000	2.663	0.000	33.759	0.000	1	125,348
Puerto Rico	Florida--Barceloneta--Bajadero, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Puerto Rico	Guayama, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Puerto Rico	Juana Diaz, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Puerto Rico	Mayaguez, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Puerto Rico	Ponce, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Puerto Rico	San German--Cabo Rojo--Sabana Grande, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Puerto Rico	Yauco, PR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
South Carolina	Anderson, SC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
South Carolina	Florence, SC	2.453	59.931	49.794	2.038	122.133	9.540	3	376,043
South Carolina	Mauldin--Simpsonville, SC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
South Carolina	Myrtle Beach, SC	2.071	31.375	9.149	0.604	18.946	4.066	0	0
South Carolina	Rock Hill, SC	0.000	0.000	0.000	0.000	0.000	0.000	0	0
South Carolina	Spartanburg, SC	3.081	43.548	13.720	0.971	42.265	5.417	2	250,695
South Carolina	Sumter, SC	4.340	93.408	11.359	0.528	49.295	4.056	1	125,348
South Dakota	Rapid City, SD	2.884	35.230	6.122	0.501	17.655	4.123	0	0
South Dakota	Sioux Falls, SD	4.115	52.025	10.330	0.817	42.512	7.488	1	125,348
Tennessee	Bristol, TN--Bristol, VA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Tennessee	Clarksville, TN--KY	3.558	56.504	8.984	0.566	31.964	5.453	0	0
Tennessee	Cleveland, TN	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Tennessee	Jackson, TN	3.025	39.485	11.305	0.866	34.193	7.912	2	250,695
Tennessee	Johnson City, TN	3.593	39.738	4.565	0.413	16.404	4.502	0	0
Tennessee	Kingsport, TN--VA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Tennessee	Morristown, TN	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Tennessee	Murfreesboro, TN	8.475	0.000	0.294	0.000	2.492	0.000	1	125,348
Texas	Abilene, TX	2.489	35.191	9.830	0.695	24.468	5.768	0	0
Texas	Amarillo, TX	1.777	27.474	5.188	0.336	9.222	2.332	0	0
Texas	Beaumont, TX	3.278	45.939	6.006	0.429	19.687	4.466	0	0
Texas	Brownsville, TX	16.854	205.704	5.906	0.484	99.530	11.329	3	376,043
Texas	College Station--Bryan, TX	13.056	255.146	7.254	0.371	94.716	5.384	3	376,043
Texas	Galveston, TX	1.264	14.442	14.043	1.229	17.750	18.908	3	376,043
Texas	Harlingen, TX	0.799	0.000	0.304	0.000	0.243	0.000	0	0

FEDERAL TRANSIT ADMINISTRATION

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	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Texas	Killeen, TX	1.977	31.493	5.613	0.352	11.097	2.204	0	0
Texas	Lake Jackson--Angleton, TX	1.704	0.000	0.302	0.000	0.515	0.000	0	0
Texas	Laredo, TX	6.444	67.189	11.613	1.114	74.829	24.093	4	501,390
Texas	Longview, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	McKinney, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	Midland, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	Odessa, TX	1.137	17.753	6.165	0.395	7.007	3.484	0	0
Texas	Port Arthur, TX	2.455	38.173	2.692	0.173	6.610	1.019	0	0
Texas	San Angelo, TX	2.477	35.404	4.690	0.328	11.615	1.958	0	0
Texas	Sherman, TX	4.217	60.674	7.589	0.527	32.004	2.424	0	0
Texas	Temple, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	Texarkana, TX--Texarkana, AR	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	Texas City, TX	1.704	103.568	2.801	0.046	4.773	0.247	1	125,348
Texas	The Woodlands, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	Tyler, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Texas	Victoria, TX	1.989	25.163	5.979	0.473	11.891	3.238	0	0
Texas	Waco, TX	4.304	64.199	5.538	0.371	23.835	4.086	0	0
Texas	Wichita Falls, TX	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Utah	Logan, UT	4.170	57.262	11.917	0.868	49.702	19.607	3	376,043
Utah	St. George, UT	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Vermont	Burlington, VT	4.331	60.519	16.110	1.153	69.776	19.027	3	376,043
Virgin Islands	Virgin Islands	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Virginia	Blacksburg, VA	6.333	63.318	14.052	1.405	88.989	43.637	5	626,738
Virginia	Charlottesville, VA	5.037	67.079	16.517	1.240	83.190	18.802	4	501,390
Virginia	Danville, VA	0.990	14.398	6.327	0.435	6.264	4.571	0	0
Virginia	Fredericksburg, VA	3.160	97.041	15.411	0.502	48.704	3.651	1	125,348
Virginia	Harrisonburg, VA	6.293	62.874	9.474	0.948	59.624	26.228	3	376,043
Virginia	Lynchburg, VA	5.487	82.790	10.541	0.699	57.840	10.507	0	0
Virginia	Roanoke, VA	4.823	66.483	10.185	0.739	49.123	10.475	0	0
Virginia	Winchester, VA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Washington	Bellingham, WA	4.920	67.071	28.185	2.067	138.663	43.351	4	501,390
Washington	Bremerton, WA	4.740	91.281	33.596	1.745	159.261	28.631	4	501,390

FEDERAL TRANSIT ADMINISTRATION

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	Average for UZAs with populations 200,000 - 999,999	**5.778**	**100.241**	**11.283**	**0.749**	**78.350**	**13.974**		
Washington	Kennewick--Richland, WA	6.352	132.211	52.493	2.522	333.446	28.744	6	752,084
Washington	Longview, WA--OR	4.123	47.393	6.151	0.535	25.357	6.228	0	0
Washington	Marysville, WA	5.811	0.000	9.032	0.000	52.478	0.000	1	125,348
Washington	Mount Vernon, WA	0.186	3.731	26.681	1.328	4.953	9.683	2	250,695
Washington	Olympia--Lacey, WA	5.828	106.968	36.571	1.993	213.145	26.888	6	752,084
Washington	Wenatchee, WA	5.752	106.177	31.211	1.691	179.523	16.086	5	626,737
Washington	Yakima, WA	4.056	64.419	11.576	0.729	46.957	11.572	1	125,348
West Virginia	Charleston, WV	4.024	67.149	15.007	0.899	60.382	11.967	2	250,695
West Virginia	Huntington, WV--KY--OH	3.376	49.001	6.240	0.430	21.068	4.375	0	0
West Virginia	Morgantown, WV	1.094	17.583	13.889	0.864	15.188	9.120	2	250,695
West Virginia	Parkersburg, WV--OH	0.000	0.000	0.000	0.000	0.000	0.000	0	0
West Virginia	Wheeling, WV--OH	2.694	34.087	8.388	0.663	22.601	5.637	0	0
Wisconsin	Appleton, WI	3.381	51.104	9.214	0.610	31.151	6.050	0	0
Wisconsin	Beloit, WI--IL	3.155	49.471	6.066	0.387	19.139	5.442	0	0
Wisconsin	Eau Claire, WI	3.156	46.925	16.939	1.139	53.456	14.594	3	376,043
Wisconsin	Fond du Lac, WI	1.000	12.134	7.641	0.630	7.645	3.751	0	0
Wisconsin	Green Bay, WI	3.559	51.653	9.716	0.669	34.580	9.476	0	0
Wisconsin	Janesville, WI	4.073	62.746	7.197	0.467	29.310	8.129	0	0
Wisconsin	Kenosha, WI	5.172	75.931	10.620	0.723	54.929	15.114	1	125,348
Wisconsin	La Crosse, WI--MN	3.083	41.079	13.231	0.993	40.789	12.554	2	250,695
Wisconsin	Oshkosh, WI	3.048	48.211	15.832	1.001	48.262	16.021	3	376,043
Wisconsin	Racine, WI	4.624	59.355	9.071	0.707	41.945	11.842	0	0
Wisconsin	Sheboygan, WI	2.652	37.335	11.423	0.811	30.294	8.534	2	250,695
Wisconsin	Wausau, WI	3.762	54.498	11.497	0.794	43.254	12.933	2	250,695
Wyoming	Casper, WY	0.975	11.473	7.126	0.606	6.948	2.303	0	0
Wyoming	Cheyenne, WY	1.662	24.084	7.113	0.491	11.822	3.115	0	0
							Total	312	$39,108,430

FEDERAL TRANSIT ADMINISTRATION

TABLE 7

FISCAL YEAR 2008 SECTION 5308 CLEAN FUELS PROGRAM ALLOCATIONS

State	Earmark ID	SAFETEA-LU #	Project	Allocation
California	E2008-CLNF-001	611	San Joaquin Region Transit District, California, Hybrid Diesel-Electric Replacement Buses	250,000
Colorado	E2008-CLNF-002	519	Denver Regional Transit District-Bus Replacements	1,035,000
Delaware	E2008-CLNF-003	517	Delaware Statewide Bus and Bus Replacement (with Clean Fuel (hybrid) vehicles)	2,000,000
Delaware	E2008-CLNF-004	648	University of Delaware Fuel Cell Bus Program	175,000
Georgia	E2008-CLNF-005	578	Metropolitan Atlanta Rapid Transit Authority-Clean Fuel Buses	2,587,000
Kentucky	E2008-CLNF-006	640	Transit Authority of Northern Kentucky-TANK Bus Replacement Project	517,000
Kentucky	E2008-CLNF-007	641	Transit Authority of River City-New Hybrid Electric Buses	776,000
New Mexico	E2008-CLNF-008	612	Santa Fe, NM, Trails Bus and Bus Facilities	500,000
Nevada	E2008-CLNF-009	557	Lake Tahoe, NV MPO Bus Replacement	1,000,000
New York	E2008-CLNF-010	659	Westchester, NY, Bee Line Bus Replacement	550,000
Ohio	E2008-CLNF-011	631	Southwest Ohio Regional Transit Authority-Bus Replacements	776,000
Rhode Island	E2008-CLNF-012	605	Rhode Island, Statewide Bus and Van Replacement	6,200,000
Tennessee	E2008-CLNF-013	614	Sevierville County, TN Transportation Board-Alternative Fuel Buses	259,000
Texas	E2008-CLNF-014	497	City of El Paso-Sun Metro-Bus Replacements	776,000
Texas	E2008-CLNF-015	575	METRO of Harris County-Discretionary Bus Program	2,587,000
Texas	E2008-CLNF-016	638	The District, The Woodlands, TX-Bus Replacement Program	259,000
----------		----------	Unallocated	28,753,000
Total Allocations				**$49,000,000**

FEDERAL TRANSIT ADMINISTRATION

TABLE 8

Prior Year Unobligated Section 5308 Clean Fuels Allocations

State	Earmark ID	Project Location and Description	Unobligated Allocation
FY 2006 Unobligated Allocations			
Delaware	E2006-CLNF-002	Delaware Statewide Bus and Bus Replacement (with Clean Fuel (hybrid) vehicles))	$1,732,500
New York	E2006-CLNF-010	Westchester, NY, Bee Line Bus Replacement	445,500
Texas	E2006-CLNF-015	The District, The Woodlands, TX-Bus Replacement Program	226,710
Texas	E2006-CLNF-007	City of El Paso-Sun Metro-Bus Replacements	680,130
Texas	E2006-CLNF-014	METRO of Harris County-Discretionary Bus Program	2,268,090
	Subtotal Unobligated Allocations		*$5,352,930*
FY 2007 Unobligated Allocations			
California	E2007-CLNF-001	San Joaquin Region Transit District, California, Hybrid Diesel-Electric Replacement Buses	$250,000
Delaware	E2007-CLNF-003	Delaware Statewide Bus and Bus Replacement (with Clean Fuel (hybrid) vehicles)	2,000,000
Kentucky	E2007-CLNF-006	Transit Authority of Northern Kentucky-TANK Bus Replacement Project	476,000
Kentucky	E2007-CLNF-007	Transit Authority of River City-New Hybrid Electric Bus	714,000
New Mexico	E2007-CLNF-008	Santa Fe, NM, Trails Bus and Bus Facilities	500,000
Nevada	E2007-CLNF-009	Lake Tahoe, NV, MPO Bus Replacement	500,000
New York	E2007-CLNF-010	Westchester, NY, Bee Line Bus Replacement	500,000
Ohio	E2007-CLNF-011	Southwest Ohio Regional Transit Authority-Bus Replacements	214,000
Rhode Island	E2007-CLNF-012	Rhode Island, Statewide Bus and Van Replacement	5,500,000
Tennessee	E2007-CLNF-013	Sevierville County, TN Transportation Board-Alternative Fuel Buses	238,000
Texas	E2007-CLNF-014	City of El Paso-Sun Metro-Bus Replacements	714,000
Texas	E2007-CLNF-015	METRO of Harris County-Discretionary Bus Program	2,380,000
Texas	E2007-CLNF-016	The District, The Woodlands, TX-Bus Replacement Program	238,000
	Subtotal Unobligated Allocations		*$14,224,000*
	Total Unobligated Allocations		**$ 19,576,930.00**

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2008 SECTION 5309 FIXED GUIDEWAY MODERNIZATION APPORTIONMENTS

STATE	AREA	APPORTIONMENT
Alaska	Anchorage, AK - Alaska Railroad	$17,181,327
Arizona	Phoenix--Mesa, AZ	3,560,398
California	Antioch, CA	3,471,024
California	Concord, CA	17,486,020
California	Lancaster--Palmdale, CA	2,810,227
California	Los Angeles--Long Beach--Santa Ana, CA	54,963,805
California	Mission Viejo, CA	1,948,946
California	Oxnard, CA	1,535,983
California	Riverside--San Bernardino, CA	5,344,053
California	Sacramento, CA	4,562,242
California	San Diego, CA	19,383,452
California	San Francisco--Oakland, CA	85,040,842
California	San Jose, CA	18,411,640
California	Stockton, CA	2,068,612
California	Thousand Oaks, CA	852,916
Colorado	Denver--Aurora, CO	7,366,426
Connecticut	Hartford, CT	2,013,391
Connecticut	Southwestern Connecticut	44,083,117
District of Columbia	Washington, DC--VA--MD	99,138,427
Florida	Jacksonville, FL	390,854
Florida	Miami, FL	26,697,254
Florida	Orlando, FL	221,138
Florida	Tampa--St. Petersburg, FL	173,521
Georgia	Atlanta, GA	33,067,494
Hawaii	Honolulu, HI	1,997,646
Illinois	Chicago, IL--IN	166,374,368
Illinois	Round Lake Beach-McHenry-Grayslake, IL-WI	3,156,546
Indiana	South Bend, IN--MI	1,061,487
Louisiana	New Orleans, LA	3,480,806
Maryland	Baltimore Commuter Rail	22,912,015
Maryland	Baltimore, MD	12,546,013
Massachusetts	Boston, MA	87,431,658
Massachusetts	Worcester, MA-CT	1,352,279
Michigan	Detroit, MI	860,034
Minnesota	Minneapolis--St. Paul, MN	11,054,752
Missouri	Kansas City, MO--KS	41,964
Missouri	St. Louis, MO--IL	4,845,312
New Jersey	Atlantic City, NJ	1,520,789
New Jersey	Northeastern New Jersey	104,641,424
New Jersey	Trenton, NJ	2,052,688
New York	Buffalo, NY	1,602,958
New York	New York	439,275,949
New York	Poughkeepsie-Newburgh, NY	2,914,431
North Carolina	Charlotte, NC--SC	237,049
Ohio	Cleveland, OH	13,744,587
Ohio	Dayton, OH	6,930,493
Oregon	Portland, OR--WA	9,383,075
Pennsylvania	Harrisburg, PA	1,013,865
Pennsylvania	Philadelphia, PA-NJ-DE-MD	107,953,681
Pennsylvania	Pittsburgh, PA	22,078,732
Puerto Rico	San Juan, PR	3,149,987
Rhode Island	Providence, RI--MA	3,055,747
Tennessee	Chattanooga, TN--GA	108,589
Tennessee	Memphis, TN--MS--AR	504,123
Texas	Dallas--Fort Worth--Arlington, TX	9,761,069
Texas	Houston, TX	10,204,605
Utah	Salt Lake City, UT	3,087,499
Virginia	Virginia Beach, VA	1,550,919
Washington	Seattle, WA	38,294,073
West Virginia	Morgantown, WV	1,371,550
Wisconsin	Madison, WI	939,273
Wisconsin	Milwaukee, WI	361,884
	TOTAL	**$1,554,627,028**

FEDERAL TRANSIT ADMINISTRATION

TABLE 10

FY 2008 FIXED GUIDEWAY MODERNIZATION PROGRAM APPORTIONMENT FORMULA

Tier 1 First $497,700,000 to the following areas:

Baltimore	$	8,372,000
Boston	$	38,948,000
Chicago/N.W. Indiana	$	78,169,000
Cleveland	$	9,509,500
New Orleans	$	1,730,588
New York	$	176,034,461
N. E. New Jersey	$	50,604,653
Philadelphia/So. New Jersey	$	58,924,764
Pittsburgh	$	13,662,463
San Francisco	$	33,989,571
SW Connecticut	$	27,755,000

Tier 2 Next $70,000,000 as follows: Tier 2(A): 50 percent is allocated to areas identified in Tier 1; Tier 2(B): 50 percent is allocated to other urbanized areas with fixed guideway tiers in operation at least seven years. Funds are allocated by the Urbanized Area Formula Program fixed guideway tier formula factors that were used to apportion funds for the fixed guideway modernization program in FY 1997.

Tier 3 Next $5,700,000 as follows: Pittsburgh 61.76%; Cleveland 10.73%; New Orleans 5.79%; and 21.72% is allocated to all other areas in Tier 2(B) by the same fixed guideway tier formula factors used in fiscal year 1997.

Tier 4 Next $186,600,000 as follows: All eligible areas using the same year fixed guideway tier formula factors used in fiscal year 1997.

Tier 5 Next $70,000,000 as follows: 65% to the 11 areas identified in Tier 1, and 35% to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the database.

Tier 6 Next $50,000,000 as follows: 60% to the 11 areas identified in Tier 1, and 40% to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment less than 7 years old in the year of the apportionment will be deleted from the database.

Tier 7 Remaining amounts as follows: 50% to the 11 areas identified in Tier 1, and 50% to all other areas using the most current Urbanized Area Formula Program fixed guideway formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the database.

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
AK	E2008-BUSP-0001	427	Alaska Native Medical Center intermodal parking facility	$1,300,000
AK	E2008-BUSP-0002	466	Anchorage-Transit Needs	259,000
AK	E2008-BUSP-0003	422	C Street Expanded bus facility and inter-modal parking garage, Anchorage, AK	1,300,000
AK	E2008-BUSP-0004	425	CITC Non-profit Services Center inter-modal parking facility, Anchorage, AK	780,000
AK	E2008-BUSP-0005	541	Hoonah, AK-Intermodal Ferry Dock	517,000
AK	E2008-BUSP-0006	416	Improve marine inter-modal facilities in Ketchikan	3,640,000
AK	E2008-BUSP-0007	436	Intermodal facility improvements at the Port of Anchorage	6,500,000
AK	E2008-BUSP-0008	236	Juneau, Alaska-transit bus acquisition and transit center	390,000
AK	E2008-BUSP-0009	550	Juneau-Transit Bus Acquisition and Transit Center	388,000
AK	E2008-BUSP-0010	553	Ketchikan, Alaska-Transit Needs	65,000
AK	E2008-BUSP-0011	574	Matsu, Alaska-Transit Needs	129,000
AK	E2008-BUSP-0012	423	Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK	650,000
AK	E2008-BUSP-0013	596	North Slope Borough, AK-Transit Purposes	517,000
AK	E2008-BUSP-0014	597	North Star Borough, AK-Transit Purposes	259,000
AK	E2008-BUSP-0015	616	Sitka, Alaska-Transit Needs	65,000
AK	E2008-BUSP-0016	664	Wrangell, AK-Ferry Infrastructure	259,000
AL	E2008-BUSP-0017	461	Alabama Institute for Deaf and Blind-Bus project	129,000
AL	E2008-BUSP-0018	462	Alabama State Port Authority-Choctaw Point Terminal	5,173,000
AL	E2008-BUSP-0019	437	American Village/Montevallo, Alabama construction of closed loop Access Road, bus lanes and parking facility	86,944
AL	E2008-BUSP-0020	469	Auburn University-Intermodal Parking Garage	1,035,000
AL	E2008-BUSP-0021	98	Birmingham, AL Expansion of Downtown Intermodal Facility, Phase II	434,720
AL	E2008-BUSP-0022	496	City of Birmingham, AL-Birmingham Downtown Intermodal Terminal, Phase II	1,293,000
AL	E2008-BUSP-0023	501	City of Huntsville, AL- Cummings Park Intermodal Center	1,293,000
AL	E2008-BUSP-0024	503	City of Montgomery, AL-ITS Acquisition and Implementation	1,035,000
AL	E2008-BUSP-0025	504	City of Montgomery, AL-Montgomery Airport Intermodal Center	1,035,000
AL	E2008-BUSP-0026	507	City of Tuscaloosa, AL-Intermodal Facility	1,552,000
AL	E2008-BUSP-0027	528	Gadsden, AL-Community Buses	129,000
AL	E2008-BUSP-0028	534	Gulf Shores, AL-Community Bases	259,000
AL	E2008-BUSP-0029	582	Mobile County, AL Commission-Bus project	129,000
AL	E2008-BUSP-0030	644	University of Alabama in Birmingham Intermodal Facility	1,811,000
AL	E2008-BUSP-0031	645	University of Alabama in Huntsville Intermodal Facility	1,552,000
AL	E2008-BUSP-0032	646	University of Alabama Intermodal Facility South	2,328,000
AL	E2008-BUSP-0033	647	University of Alabama Transit System	388,000
AL	E2008-BUSP-0034	650	US Space and Rocket Center, AL-Tramway Expansion	259,000
AR	E2008-BUSP-0035	487	Central Arkansas Transit Authority Facility Upgrades	750,000
AR	E2008-BUSP-0036	231	Harrison, Arkansas-Trolley Barn	8,694
AR	E2008-BUSP-0037	263	Wilmar, AR Develop the Southeast Arkansas Intermodal Facility	434,720
AZ	E2008-BUSP-0038	304	Coconino County buses and bus facilities for Flagstaff, AZ	271,700
AZ	E2008-BUSP-0039	229	Coconino County, Arizona-Bus and bus facilities for the Sedona Transit System	206,492
AZ	E2008-BUSP-0040	47	Phoenix, AZ Construct City of Phoenix para-transit facility (Dial-A-Ride)	217,360
AZ	E2008-BUSP-0041	346	Phoenix, AZ Construct metro bus facility in Phoenix's West Valley	1,086,800
AZ	E2008-BUSP-0042	150	Phoenix, AZ Construct regional heavy bus maintenance facility	217,360
AZ	E2008-BUSP-0043	26	Scottsdale, Arizona-Plan, design, and construct intermodal center	543,400
AZ	E2008-BUSP-0044	203	Tempe, Arizona-Construct East Valley Metro Bus Facility	1,412,840
CA	E2008-BUSP-0045	75	Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	108,680
CA	E2008-BUSP-0046	288	Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	434,720
CA	E2008-BUSP-0047	398	Amador County, California-Regional Transit Center	217,360
CA	E2008-BUSP-0048	76	Baldwin Park, CA Construct vehicle and bicycle parking lot and pedestrian rest area at transit center	434,720
CA	E2008-BUSP-0049	227	Berkeley, CA Construct Ed Roberts Campus Intermodal Transit Disability Center	652,080
CA	E2008-BUSP-0050	119	Burbank, CA CNG Transit Vehicles Purchase for Local Transit Network Expansion	97,812
CA	E2008-BUSP-0051	396	Burbank, CA Construction of Empire Area Transit Center near Burbank Airport	54,340
CA	E2008-BUSP-0052	190	Calexico, CA Purchase new buses for the Calexico Transit System	65,208
CA	E2008-BUSP-0053	132	Carson, CA Purchase one bus	54,340
CA	E2008-BUSP-0054	407	Carson, CA Purchase one trolley-bus vehicle	54,340
CA	E2008-BUSP-0055	108	Carson, CA Purchase two transfer facility	108,680
CA	E2008-BUSP-0056	54	City of Alameda, CA Plan, design, and construct intermodal facility	434,720
CA	E2008-BUSP-0057	155	City of Livermore, CA Construct Bus Facility for Livermore Amador Valley Transit Authority	489,060
CA	E2008-BUSP-0058	158	Covina, El Monte, Baldwin Park, Upland, CA Parking and Electronic Signage Improvements	380,380
CA	E2008-BUSP-0059	207	Culver City, CA Purchase compressed natural gas buses and expand natural gas fueling facility	804,232
CA	E2008-BUSP-0060	17	Davis, CA Davis Multi-Modal Station to improve entrance to Amtrak Depot and parking lot, provide additional parking and improve service	217,360
CA	E2008-BUSP-0061	11	Development of Gold Country Stage Transit Transfer Center, Nevada County, CA	202,214
CA	E2008-BUSP-0062	339	East San Diego County, California-Bus Maintenance Facility Expansion	434,720
CA	E2008-BUSP-0063	101	Emeryville, CA Expand & Improve Inter-modal Transit Center at Amtrak Station	217,360

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
CA	E2008-BUSP-0064	222	Escondido, CA-Construct Bus Maintenance Facility	108,680
CA	E2008-BUSP-0065	387	Fresno, CA-Develop program of low-emission transit vehicles	217,360
CA	E2008-BUSP-0066	260	Gardena, CA Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment	1,332,417
CA	E2008-BUSP-0067	212	Glendale, CA Construction of Downtown Streetcar Project	217,360
CA	E2008-BUSP-0068	1	Glendale, CA Purchase of CNG Buses for Glendale Beeline Transit System	100,420
CA	E2008-BUSP-0069	414	Hercules, CA Inter-modal Rail Station Improvements	326,040
CA	E2008-BUSP-0070	276	Long Beach, Ca Museum of Latin American Art, Long Beach, to build intermodal park and ride facility	434,720
CA	E2008-BUSP-0071	332	Long Beach, CA Park and Ride Facility	217,360
CA	E2008-BUSP-0072	295	Long Beach, CA Purchase one larger (75. passengers) and two smaller (40 passengers) ferryboats and construct related dock work to facilitate the use and accessibility of the ferryboats	652,080
CA	E2008-BUSP-0073	410	Long Beach, CA Purchase ten clean fuel buses	652,080
CA	E2008-BUSP-0074	443	Los Angeles County Metropolitan Transit Authority, CA capital funds for facility improvements to support the Cal State Northridge tram system	70,642
CA	E2008-BUSP-0075	140	Los Angeles, CA Crenshaw Bus Rapid Transit	1,853,646
CA	E2008-BUSP-0076	223	Los Angeles, CA Design and construct improved transit and pedestrian linkages between Los Angeles Community College and nearby MTA rail stop and bus lines	326,040
CA	E2008-BUSP-0077	307	Los Angeles, CA Improve safety, mobility and access between LATTC, Metro line and nearby bus stops on Grand Ave between Washington and 23rd	108,680
CA	E2008-BUSP-0078	121	Los Angeles, CA Improve transit shelters, sidewalks lighting and landscaping around Cedar's-Sinai Medical Center	326,040
CA	E2008-BUSP-0079	326	Los Angeles, CA Install permanent irrigation system and enhanced landscaping on San Fernando Valley rapid bus transit way	652,080
CA	E2008-BUSP-0080	36	Los Angeles, CA Wilshire-Vermont subway station reconstruction	217,360
CA	E2008-BUSP-0081	6	Los Angeles, CA, Construction of Intermodal Transit Center at California State University Los Angeles	171,714
CA	E2008-BUSP-0082	567	Los Angeles, CA, Fly-Away Bus System Expansion	600,000
CA	E2008-BUSP-0083	566	Los Angeles, CA, LAX Intermodal Transportation Center Rail and Bus System Expansion	600,000
CA	E2008-BUSP-0084	311	Mammoth Lakes, California-Regional Transit Maintenance Facility	108,680
CA	E2008-BUSP-0085	112	Mariposa, CA-Yosemite National Park CNG-Hydrogen transit buses and facilities	543,400
CA	E2008-BUSP-0086	266	Martinez, CA Inter-modal Facility Restoration	326,040
CA	E2008-BUSP-0087	285	Metro Gold Line Foothill Extension Light Rail Transit Project from Pasadena, CA to Montclair, CA	3,260,400
CA	E2008-BUSP-0088	39	Monrovia, California-Transit Village Project	652,080
CA	E2008-BUSP-0089	200	Montebello, CA Bus Lines Bus Fleet Replacement Project	152,152
CA	E2008-BUSP-0090	321	Monterey Park, CA Catch Basins at Transit Stop Installation	69,555
CA	E2008-BUSP-0091	191	Monterey Park, CA Safety improvements at a bus stop including creation of bus loading areas and street improvements	347,776
CA	E2008-BUSP-0092	375	Monterey, CA Purchase bus equipment	217,360
CA	E2008-BUSP-0093	43	Needles, California-El Garces Intermodal Facility	434,720
CA	E2008-BUSP-0094	92	Norwalk, CA Transit System Bus Procurement and Los Angeles World Airport Remote Fly-Away Facility Project	173,888
CA	E2008-BUSP-0095	392	Oakland, CA Construct Bay Trail between Coliseum BART station and Martin Luther King, Jr. Regional Shoreline	195,624
CA	E2008-BUSP-0096	352	Oakland, CA Construct streetscape & intermodal improvements at BART Station Transit Villages	217,360
CA	E2008-BUSP-0097	173	Ontario, CA Construct Omnitrans Transcenter	217,360
CA	E2008-BUSP-0098	194	Orange County Transit Authority, California-Security surveillance and monitoring equipment	1,149,834
CA	E2008-BUSP-0099	244	Orange County, CA Purchase buses for rapid transit	217,360
CA	E2008-BUSP-0100	366	Orange County, CA Transportation Projects to Encourage Use of Transit to Reduce Congestion	217,360
CA	E2008-BUSP-0101	45	Palm Springs, California-Sunline Transit bus purchase	108,680
CA	E2008-BUSP-0102	70	Palm Springs, California-Sunline Transit: CalStrat-Weststart fuel cell bus program	217,360
CA	E2008-BUSP-0103	399	Pasadena, CA ITS Improvements	217,360
CA	E2008-BUSP-0104	116	Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	326,040
CA	E2008-BUSP-0105	251	Redondo Beach, CA Capital Equipment procurement of 12. Compressed Natural Gas (CNG) Transit Vehicles for Coastal Shuttle Services by Beach Cities Transit	173,888
CA	E2008-BUSP-0106	286	Richmond, CA BART Parking Structure	1,086,800
CA	E2008-BUSP-0107	171	Riverside, California-RTA Advanced Traveler Information System	108,680
CA	E2008-BUSP-0108	189	Sacramento, CA Bus enhancement and improvements-construct maintenance facility and purchase clean-fuel buses to improve transit service	434,720
CA	E2008-BUSP-0109	84	Sacramento, CA Construct intermodal station and related improvements	1,521,520
CA	E2008-BUSP-0110	253	San Bernardino, CA Implement Santa Fe Depot improvements in San Bernardino	108,680
CA	E2008-BUSP-0111	282	San Diego, CA Completion of San Diego Joint Transportation Operations Center (JTOC)	434,720
CA	E2008-BUSP-0112	314	San Diego, CA Widen sidewalks and bus stop entrance, and provide diagonal parking, in the Skyline Paradise Hills neighborhood (Reo Drive)	65,208
CA	E2008-BUSP-0113	183	San Fernando Valley, CA Reseda Blvd. Bus Rapid Transit Route	130,416

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
CA	E2008-BUSP-0114	127	San Fernando, CA Purchase CNG buses and related equipment and construct facilities	660,774
CA	E2008-BUSP-0115	377	San Francisco, CA Construct San Francisco Muni Islais Creek Maintenance Facility	1,304,160
CA	E2008-BUSP-0116	287	San Francisco, CA Implement ITS on Muni Transit System	652,080
CA	E2008-BUSP-0117	403	San Francisco, CA Implement Transbay Terminal-Caltrain Downtown Extension Project	3,043,040
CA	E2008-BUSP-0118	381	San Francisco, CA Redesign and renovate intermodal facility at Glen Park Community	896,610
CA	E2008-BUSP-0119	341	San Gabriel Valley, CA-Foothill Transit Park and Rides	2,064,920
CA	E2008-BUSP-0120	254	San Joaquin, California Regional Rail-Altamont Commuter Express Corridor inter-modal centers	869,770
CA	E2008-BUSP-0121	382	San Luis Ray, California-Transit Center Project	108,680
CA	E2008-BUSP-0122	145	Santa Ana, CA Improve Santa Ana transit terminal	217,360
CA	E2008-BUSP-0123	147	Santa Barbara, CA-Expansion of Regional Intermodal Transit Center	65,208
CA	E2008-BUSP-0124	364	Santa Monica, CA Construct intermodal park-and-ride facility at Santa Monica College campus on South Bundy Drive near Airport Avenue	217,360
CA	E2008-BUSP-0125	172	Santa Monica, CA Purchase and service LNG buses for Santa Monica's Big Blue Bus to meet increased ridership needs and reduce emissions	815,100
CA	E2008-BUSP-0126	313	Solana Beach, CA-Construct Intermodal Facility	326,040
CA	E2008-BUSP-0127	27	Sonoma County, CA Purchase of CNG buses	108,680
CA	E2008-BUSP-0128	401	South Pasadena, CA Silent Night Grade Crossing Project	195,624
CA	E2008-BUSP-0129	383	South San Francisco, CA Construction of Ferry Terminal at Oyster Point in South San Francisco to the San Francisco Bay Water Transit Authority	1,032,460
CA	E2008-BUSP-0130	388	Sylmar, CA Los Angeles Mission College Transit Center construction	54,340
CA	E2008-BUSP-0131	315	Temecula, California-Intermodal Transit Facility	108,608
CA	E2008-BUSP-0132	85	Torrance Transit System, CA Acquisition of EPA and CARB-certified low emission replacement buses	652,080
CA	E2008-BUSP-0133	459	Transbay Terminal/ Caltrain Downtown Extension Project	4,550,000
CA	E2008-BUSP-0134	35	Union City, CA Inter-modal Station, Phase 1: Modify BART station	923,780
CA	E2008-BUSP-0135	195	Woodland Hills, CA Los Angeles Pierce College Bus Rapid Transit Station Extension	217,360
CA	E2008-BUSP-0136	83	Woodland, CA Yolobus operations, maintenance, administration facility expansion and improvements to increase bus service with alternative fuel buses	434,720
CO	E2008-BUSP-0137	449	City of Aspen, CO Bus and Bus Facilities	152,152
CO	E2008-BUSP-0138	448	City of Durango, CO Bus and Bus Facilities	54,340
CO	E2008-BUSP-0139	509	Colorado Association of Transit Agencies/Colorado Transit Coalition-Colorado Statewide Buses and Bus Facilities	6,726,000
CO	E2008-BUSP-0140	518	Denver Regional Transit District-Bus Maintenance Facility	776,000
CO	E2008-BUSP-0141	520	Denver Regional Transit District-Denver Union Station Multimodal Renovations	517,000
CO	E2008-BUSP-0142	521	Denver Regional Transit District-US 36 Corridor BRT	1,811,000
CO	E2008-BUSP-0143	167	Denver, CO Denver Union Station Inter-modal Center	1,195,480
CO	E2008-BUSP-0144	435	Denver, Colorado-Regional Transportation District Bus Replacement	434,720
CO	E2008-BUSP-0145	441	Grand Valley Transit, CO Bus and Bus Facilities	108,680
CO	E2008-BUSP-0146	188	Mountain Express, Crested Butte, CO Bus and Bus Facilities	108,680
CO	E2008-BUSP-0147	444	Pueblo Transit, CO Bus and Bus Facilities	54,340
CO	E2008-BUSP-0148	445	Roaring Fork Transit Authority, CO Bus and Bus Facilities	163,020
CO	E2008-BUSP-0149	446	Steamboat Springs, CO Bus and Bus Facilities	163,020
CO	E2008-BUSP-0150	450	Town of Snowmass Village, CO Bus and Bus Facilities	65,208
CO	E2008-BUSP-0151	447	Town of Telluride, CO Bus and Bus Facilities	70,222
CT	E2008-BUSP-0152	44	Bridgeport, Connecticut-Greater Bridgeport Transit Authority Bus Facility	108,680
CT	E2008-BUSP-0153	478	Bridgeport, CT Facility Expansion/Improvement	500,000
CT	E2008-BUSP-0154	90	Buses and bus related facilities throughout the State of Connecticut	1,304,160
CT	E2008-BUSP-0155	523	Downtown Middletown, CT, Transportation Infrastructure Improvement Project	2,500,000
CT	E2008-BUSP-0156	218	Enfield, Connecticut-intermodal station	652,080
CT	E2008-BUSP-0157	394	Hartford, CT Buses and bus-related facilities	869,440
CT	E2008-BUSP-0158	267	Middletown, CT Construct intermodal center	326,040
CT	E2008-BUSP-0159	589	New Haven, CT Bus Maintenance Facility	2,500,000
CT	E2008-BUSP-0160	269	New London, Connecticut-Intermodal Transportation Center and Streetscapes	108,680
CT	E2008-BUSP-0161	369	Norwalk, Connecticut-Pulse Point Joint Development inter-modal facility	108,680
CT	E2008-BUSP-0162	131	Stonington and Mystic, Connecticut-Intermodal Center parking facility and Streetscape	530,358
CT	E2008-BUSP-0163	32	Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	434,720
CT	E2008-BUSP-0164	270	Vernon, Connecticut-Intermodal Center, Parking and Streetscapes	1,651,936
CT	E2008-BUSP-0165	657	Waterbury, CT Bus Maintenance Facility	2,800,000
DE	E2008-BUSP-0166	169	Delaware-University of Delaware Fuel Cell Bus Deployment	108,680
FL	E2008-BUSP-0168	470	Bay County, FL - Transit Facility	517,000
FL	E2008-BUSP-0169	297	Broward County, FL - Purchase Buses and construct bus facilities	434,720
FL	E2008-BUSP-0170	69	Broward County, FL Buses & Bus Facilities	1,412,840
FL	E2008-BUSP-0171	479	Broward County-Bus and Bus Facilities	517,000
FL	E2008-BUSP-0172	117	Broward, FL Purchase new articulated buses and bus stop improvements on State Road 7. (SR 7) between Golden Glades Interchange and Glades Road	108,680
FL	E2008-BUSP-0173	439	Central Florida Commuter Rail intermodal facilities	1,086,800
FL	E2008-BUSP-0174	453	Central Florida Commuter Rail Intermodal Facilities	780,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
FL	E2008-BUSP-0175	488	Central Florida Regional Transportation Authority-LYNX Bus Fleet Expansion Program	1,293,000
FL	E2008-BUSP-0176	498	City of Gainesville Regional Transit System-Facility Expansion	259,000
FL	E2008-BUSP-0177	508	Collier County Transit-Transit Facility	259,000
FL	E2008-BUSP-0178	23	Construct intermodal transportation & parking facility, City of Winter Park, Florida	108,680
FL	E2008-BUSP-0179	80	Flagler County, Florida-bus facility	130,416
FL	E2008-BUSP-0180	527	Florida Department of Transportation-Palm Beach County Replacement Buses	259,000
FL	E2008-BUSP-0181	344	Gainesville, FL Bus Facility Expansion	869,440
FL	E2008-BUSP-0182	213	Gainesville, FL Bus Rapid Transit Study	108,680
FL	E2008-BUSP-0183	95	Gainesville, FL Bus Replacement	869,770
FL	E2008-BUSP-0184	538	Hillsborough Area Regional Transit-Bus Rapid Transit Improvements	517,000
FL	E2008-BUSP-0185	539	Hillsborough, FL, Hillsborough Area regional Transit Authority	1,000,000
FL	E2008-BUSP-0186	548	Jacksonville Transportation Authority-Bus Fleet Replacement and Equipment	1,293,000
FL	E2008-BUSP-0187	306	Jacksonville, FL Bus Replacement	1,521,520
FL	E2008-BUSP-0188	107	Jacksonville, FL Paratransit Vehicles	978,120
FL	E2008-BUSP-0189	558	Lakeland Area Mass Transit District/Citrus Connection-Capital Funding Needs	517,000
FL	E2008-BUSP-0190	238	Levy County, Florida-Purchase 2. wheel chair equipped passenger buses and related equipment	65,208
FL	E2008-BUSP-0191	103	Longwood, Florida-Construct Intermodal Transportation Facility	108,680
FL	E2008-BUSP-0192	308	Miami Dade, FL N.W. 7th Avenue Transit Hub	652,080
FL	E2008-BUSP-0193	211	Miami-Dade County, Florida-buses and bus facilities	1,304,160
FL	E2008-BUSP-0194	432	Miami-Dade County, Florida-buses and bus facilities	869,440
FL	E2008-BUSP-0195	133	Miami-Dade County, Florida-Transit Security System	649,906
FL	E2008-BUSP-0196	580	Miami-Dade Transit 7th Avenue NW Transit Hub	259,000
FL	E2008-BUSP-0197	454	Miami-Dade Transit Dadeland South Intermodal Center	520,000
FL	E2008-BUSP-0198	136	Ocala and Marion County, Florida-replacement buses	652,080
FL	E2008-BUSP-0199	294	Orlando, FL Bus Replacement	869,440
FL	E2008-BUSP-0200	14	Orlando, Florida-LYNX Bus Fleet Expansion Program	195,624
FL	E2008-BUSP-0201	125	Palm Beach County, FL Plan and Construct Belle Glade Combined Passenger Transit Facility	760,760
FL	E2008-BUSP-0202	367	Palm Beach, FL 20 New Buses for Palm Tran	326,040
FL	E2008-BUSP-0203	248	Palm Beach, FL Palm Tran AVL-APC system with smart card fare boxes	54,340
FL	E2008-BUSP-0204	600	Pinellas County Metropolitan Planning Organization-Pinellas Mobility Initiative: BRT and Guide way	259,000
FL	E2008-BUSP-0205	415	Purchase Buses and construct bus facilities in Broward County, FL	489,060
FL	E2008-BUSP-0206	420	Purchase Buses and construct bus facilities in Broward County, FL	434,720
FL	E2008-BUSP-0207	400	South FL Region, FL Regional Universal Automated Fare Collection System (UAFC) (for bus system)	434,720
FL	E2008-BUSP-0208	623	South Florida Regional Transportation Authority-West Palm Beach Intermodal Facility	517,000
FL	E2008-BUSP-0209	622	South Florida Regional Transportation Authority-West Palm Improvements, for any activity eligible under section 5309	3,880,000
FL	E2008-BUSP-0210	31	St. Augustine, Florida-Intermodal Transportation Center and related pedestrian and landscape improvements	217,360
FL	E2008-BUSP-0211	390	St. Lucie County, FL Purchase Buses	217,360
FL	E2008-BUSP-0212	402	Tampa, FL Establish Transit Emphasis Corridor Project	163,020
FL	E2008-BUSP-0213	148	Tampa, FL Purchase buses and construct bus facilities	489,060
GA	E2008-BUSP-0214	355	Albany, GA Bus replacement	65,208
GA	E2008-BUSP-0215	255	Albany, GA Multimodal Facility	173,888
GA	E2008-BUSP-0216	357	Athens, GA Buses and Bus Facilities	308,651
GA	E2008-BUSP-0217	247	Atlanta, GA Inter-modal Passenger Facility Improvements	434,720
GA	E2008-BUSP-0218	384	Atlanta, GA MARTA Clean Fuel Bus Acquisition	1,304,160
GA	E2008-BUSP-0219	144	Augusta, GA Buses and Bus Facilities	86,944
GA	E2008-BUSP-0220	110	Cobb County, GA Cobb County Smart Card Technology/ Bus Facility Improvements	217,360
GA	E2008-BUSP-0221	91	Columbus, GA Bus replacement	65,208
GA	E2008-BUSP-0222	510	Columbus, Georgia/Phoenix City, Alabama-National Infantry Museum Multimodal Facility	440,000
GA	E2008-BUSP-0223	49	Columbus, Georgia-Buses & Bus Facilities	210,622
GA	E2008-BUSP-0224	530	Georgia Department of Transportation-Georgia Statewide Bus and Bus Facilities	2,328,000
GA	E2008-BUSP-0225	60	Georgia Statewide Bus Program	43,472
GA	E2008-BUSP-0226	275	Jesup, Georgia-Train Depot intermodal center	217,360
GA	E2008-BUSP-0227	374	Metro-Atlanta, GA MARTA Automated Smart-Card Fare Collection System	217,360
GA	E2008-BUSP-0228	406	Moultrie, GA Inter-modal facility	65,208
GA	E2008-BUSP-0229	329	Quitman, Clay, Randolph, Stewart Co., GA Bus project	54,340
GA	E2008-BUSP-0230	256	Savannah, GA Bus and Bus Facilities-Chatham Area Transit	1,086,800
GA	E2008-BUSP-0231	348	Savannah, Georgia-Water Ferry River walk intermodal facilities	434,750
GA	E2008-BUSP-0232	206	Sylvester, GA Inter-modal Facility	43,472
GA	E2008-BUSP-0233	298	Thomasville, GA Bus Replacement	43,472
HI	E2008-BUSP-0234	540	Honolulu, HI, Bus Facilities	1,300,000
IA	E2008-BUSP-0235	440	Ames, Iowa-Expansion of CyRide Bus Maintenance Facility	434,720
IA	E2008-BUSP-0236	475	Black Hawk County, IA UNI Multimodal Project	776,000
IA	E2008-BUSP-0237	242	Des Moines, IA Purchase 40 foot buses	217,360

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
IA	E2008-BUSP-0238	545	Iowa Department of Transportation-Iowa Statewide Buses and Bus Replacement	3,104,000
ID	E2008-BUSP-0239	176	Boise, ID-Multimodal facility	978,120
ID	E2008-BUSP-0240	543	Idaho Department of Transportation - Idaho Statewide ITS for Public Transportation	388,000
ID	E2008-BUSP-0241	652	Valley Regional Transit, ID-Downtown Boise Multimodal	1,500,000
IL	E2008-BUSP-0242	433	Centralia, Illinois-South Central Mass Transit District Improvements	86,944
IL	E2008-BUSP-0243	226	Champaign, IL-Construct park and ride lot with attached daycare facility	326,040
IL	E2008-BUSP-0244	221	Chicago, IL Construct intermodal facility at 35th Street at Metra Ride Line (Northside)	1,086,800
IL	E2008-BUSP-0245	219	Chicago, IL Feasibility Study for intermodal station on the Metra Rock Island near Kennedy-King College	65,208
IL	E2008-BUSP-0246	491	Chicago, IL, Cermak Road, Bus Rapid Transit	300,000
IL	E2008-BUSP-0247	358	Cicero, Chicago Establish Transit Signal Priority, Cicero Ave., Pace Suburban Bus	217,360
IL	E2008-BUSP-0248	4	Des Plaines, Wauconda, Cook and Lake Counties, IL Rand Road Transit Signal Priority	173,888
IL	E2008-BUSP-0249	296	Elgin to Rockford, Illinois-Intermodal stations along planned Metra Union Pacific West Line extension alignment, including necessary alternatives analysis	108,680
IL	E2008-BUSP-0250	114	Geneva, Illinois-Construct commuter parking deck for Metra Service	869,440
IL	E2008-BUSP-0251	291	Joliet, Illinois-Union Station commuter parking facility	624,910
IL	E2008-BUSP-0252	186	Mattoon, Illinois - Historic railroad depot restoration/intermodal center	347,776
IL	E2008-BUSP-0253	250	Maywood, IL Purchase buses	10,868
IL	E2008-BUSP-0254	429	Normal, Illinois-Multimodal Transportation Center	434,720
IL	E2008-BUSP-0255	163	Normal, Illinois-Multimodal Transportation Center, including facilities for adjacent public and nonprofit uses	1,086,800
IL	E2008-BUSP-0256	365	Pace Suburban Bus, IL South Suburban BRT Mobility Network	108,680
IL	E2008-BUSP-0257	404	Rock Island, IL Improve Rock Island Mass Transit District Bus Facility	108,680
IL	E2008-BUSP-0258	608	Rock Island, Illinois, Metrolink Transit Maintenance Facility	300,000
IL	E2008-BUSP-0259	632	Springfield, IL, Multimodal Transit Terminal	1,300,000
IL	E2008-BUSP-0260	259	St. Charles, IL-Intermodal Parking Structures	978,120
IL	E2008-BUSP-0261	265	Village of Tinley Park, Illinois, 80th Avenue Commuter Rail Station reconstruction and site enhancements	173,888
IL	E2008-BUSP-0262	135	Wheaton, IL Pace Suburban Bus-Purchase buses	217,360
IN	E2008-BUSP-0263	109	Bloomington, IN-Bus and transfer facility	1,045,502
IN	E2008-BUSP-0264	529	Gary, Indiana, Gary Airport Station Modernization and Shuttle Service Project	450,000
IN	E2008-BUSP-0265	544	Indianapolis Downtown Transit Center	1,100,000
IN	E2008-BUSP-0266	235	Indianapolis, IN Construct the Ivy Tech State College Multi-Modal Facility	1,086,800
IN	E2008-BUSP-0267	5	Indianapolis, IN Downtown Transit Center	3,043,040
IN	E2008-BUSP-0268	220	Indianapolis, IN IndySMART program to relieve congestion, improve safety and air quality	434,720
IN	E2008-BUSP-0269	378	Indianapolis, IN Relocate and improve inter-modal transportation for pedestrian to Children's Museum of Indianapolis	3,043,040
IN	E2008-BUSP-0270	417	Indianapolis, Indiana-Children's Museum Intermodal Center	217,360
IN	E2008-BUSP-0271	546	Ivy Tech State College, Indiana Multimodal Center	250,000
IN	E2008-BUSP-0272	556	Lafayette, Indiana, City Bus of Greater Lafayette	700,000
IN	E2008-BUSP-0273	617	South Bend, Indiana, TRANSPO Bus Operations Center	1,100,000
IN	E2008-BUSP-0274	141	South Bend, Indiana-Construct South Bend Bus Operations Center	217,630
IN	E2008-BUSP-0275	637	Terre Haute, Indiana--Cherry Street Joint Development Project	1,100,000
KS	E2008-BUSP-0276	53	Johnson Co., KS Bus and bus related facilities [I-35. corridor], Johnson Co. Transit	434,720
KS	E2008-BUSP-0277	551	Kansas City Area Transportation Authority-Bus Project	2,587,000
KS	E2008-BUSP-0278	552	Kansas Department of Transportation-Kansas Statewide Transit Buses, Bus Facilities, and Bus ITS	3,104,000
KY	E2008-BUSP-0279	372	Richmond, KY Purchase buses, bus equipment and facilities	156,499
KY	E2008-BUSP-0280	639	Transit Authority of Lexington, KY-Rehabilitation of Building for Maintenance and Administration	1,035,000
LA	E2008-BUSP-0281	484	Capital Area Transit System-Baton Rouge BRT	776,000
LA	E2008-BUSP-0282	72	Hammond, Louisiana-Passenger Intermodal facility at Southeastern University	43,472
LA	E2008-BUSP-0283	555	Lafayette City-Parish Consolidated Government, LA-Lafayette Multimodal Transportation Facility	259,000
LA	E2008-BUSP-0284	239	Lafayette, Louisiana-Lafayette Transit System bus replacement program	195,624
LA	E2008-BUSP-0285	356	Lafayette, Louisiana-Multimodal center, Final Phase	652,080
LA	E2008-BUSP-0286	568	Louisiana Department of Transportation and Development-Statewide Vehicles and Equipment	259,000
LA	E2008-BUSP-0287	170	Louisiana-Construct pedestrian walkways between Caddo St. and Milam St. along Edwards St. in Shreveport, LA	220,360
LA	E2008-BUSP-0288	55	New Orleans, LA Inter-modal Riverfront Center	108,680
LA	E2008-BUSP-0289	67	New Orleans, LA Plan and construct New Orleans Union Passenger Terminal intermodal facilities	217,360
LA	E2008-BUSP-0290	243	New Orleans, LA Regional Planning Commission, bus and bus facilities	108,680
LA	E2008-BUSP-0291	310	River Parishes, LA South Central Planning and Development Commission, bus and bus facilities	217,360
LA	E2008-BUSP-0292	606	River Parishes, Louisiana, South Central Planning and Development Commission, bus and bus facilities	200,000
LA	E2008-BUSP-0293	277	Shreveport, LA-intermodal Transit Facility	728,156

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
LA	E2008-BUSP-0294	625	Southeastern Louisiana University Intermodal Facility	550,000
LA	E2008-BUSP-0295	283	St. Bernard Parish, LA Intermodal facility improvements	217,360
MA	E2008-BUSP-0296	118	Attleboro, MA Construction, engineering and site improvements at the Attleboro Intermodal Center	434,720
MA	E2008-BUSP-0297	472	Berkshire, MA, Berkshire Regional Transit Authority Bus Maintenance Facility	20,000
MA	E2008-BUSP-0298	59	Beverly, MA Design and Construct Beverly Deport Intermodal Transportation Center	434,720
MA	E2008-BUSP-0299	273	Boston, MA Harbor Park Pavilion & Inter-modal Station	271,700
MA	E2008-BUSP-0300	174	Brockton, MA Bus replacement for the Brockton Area Transit Authority	326,040
MA	E2008-BUSP-0301	330	Framingham, MA Local Intra-Framingham Transit System enhancements	391,248
MA	E2008-BUSP-0302	124	Haverhill, MA Design and Construct Inter-modal Transit Parking Improvements	1,217,216
MA	E2008-BUSP-0303	21	Hingham, MA Higham Marine Intermodal Center Improvements: Enhance public transportation infrastructure/parking	1,956,240
MA	E2008-BUSP-0304	563	Lawrence, MA, Gateway Intermodal and Quadant Area Reuse Project	900,000
MA	E2008-BUSP-0305	280	Lowell, MA Implementation of LRTA bus replacement plan	217,360
MA	E2008-BUSP-0306	569	Lowell, MA, Lowell Regional Transit	900,000
MA	E2008-BUSP-0307	42	Medford, MA Downtown revitalization featuring construction of a 200 space Park and Ride Facility	434,720
MA	E2008-BUSP-0308	257	Newburyport, MA Design and Construct Intermodal Facility	434,720
MA	E2008-BUSP-0309	139	Quincy, MA MBTA Purchase high speed catamaran ferry for Quincy Harbor Express Service	434,720
MA	E2008-BUSP-0310	161	Revere, MA Inter-modal transit improvements in the Wonderland station (MBTA) area	391,248
MA	E2008-BUSP-0311	88	Rockport, MA Rockport Commuter Rail Station Improvements	597,740
MA	E2008-BUSP-0312	370	Salem, MA Design and Construct Salem Intermodal Transportation Center	434,720
MA	E2008-BUSP-0313	205	Woburn, MA Construction of an 89 space park and ride facility to be located on Magazine Hill, in the Heart of Woburn Square	391,248
MD	E2008-BUSP-0314	122	Baltimore, MD Construct Intercity Bus Intermodal Terminal	1,086,800
MD	E2008-BUSP-0315	303	Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	1,086,800
MD	E2008-BUSP-0316	542	Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	200,000
MD	E2008-BUSP-0317	571	MARC Intermodal Odenton and Edgewood Station Improvements	380,000
MD	E2008-BUSP-0318	573	Maryland Statewide Bus Facilities and Buses	6,500,000
MD	E2008-BUSP-0319	224	Montgomery County, MD Wheaton CBD Intermodal Access Program	108,680
MD	E2008-BUSP-0320	214	Mount Rainier, MD Intermodal and Pedestrian Project	97,812
MD	E2008-BUSP-0321	615	Silver Spring, Maryland, Transit Center	5,000,000
MD	E2008-BUSP-0322	8	Silver Spring, MD Construct Silver Spring Transit Center in downtown Silver Spring	793,364
MD	E2008-BUSP-0323	629	Southern Maryland Commuter Initiative	3,000,000
ME	E2008-BUSP-0324	19	Bar Harbor, ME Purchase new buses to enhance commuting near the Jackson Labs	65,208
ME	E2008-BUSP-0325	570	Maine Department of Transportation-Acadia Intermodal Facility	776,000
MI	E2008-BUSP-0326	301	Barry County, MI-Barry County Transit equipments and dispatching software	32,604
MI	E2008-BUSP-0327	204	Boysville of Michigan Transportation System	730,330
MI	E2008-BUSP-0328	502	City of Kalamazoo, MI bus Replacement	1,500,000
MI	E2008-BUSP-0329	319	Detroit Bus Maintenance Facility	1,956,240
MI	E2008-BUSP-0330	522	Detroit Department of Transportation Bus Replacement	2,200,000
MI	E2008-BUSP-0331	2	Detroit Fare Collection System	869,440
MI	E2008-BUSP-0332	156	Detroit Replacement Buses	1,086,800
MI	E2008-BUSP-0333	320	Detroit, MI Bus Replacement	1,630,200
MI	E2008-BUSP-0334	9	Detroit, MI Enclosed heavy-duty maintenance facility with full operational functions for up to 300 buses	978,120
MI	E2008-BUSP-0335	208	Eastern Upper Peninsula, MI Ferry Dock and Facility upgrades for Drummond Island Ferry Services	54,340
MI	E2008-BUSP-0336	526	Flint, MI, Mass Transportation Authority Bus Maintenance Facility	450,000
MI	E2008-BUSP-0337	531	Grand Rapids, Michigan, The Rapid, Bus Replacement	1,250,000
MI	E2008-BUSP-0338	249	Grand Rapids, MI-Purchase replacement and expansion buses	3,184,321
MI	E2008-BUSP-0339	79	Ionia County, MI-Purchase and Implementation of communication equipment improvements	128,242
MI	E2008-BUSP-0340	560	Lansing, MI, Capital Area Transportation Authority, Bus Replacement and Bus Related ITS	950,000
MI	E2008-BUSP-0341	572	Marquette County, Michigan Transit Authority Bus passenger facility	300,000
MI	E2008-BUSP-0342	581	Michigan Department of Transportation (MDOT) Bus Replacement	2,400,000
MI	E2008-BUSP-0343	293	Muskegon, Michigan-Muskegon Area Transit Terminal and related improvements	434,720
MI	E2008-BUSP-0344	601	Port Huron, Michigan, Blue Water Area Transportation Commission, Bus Maintenance Facility	1,500,000
MI	E2008-BUSP-0345	634	Suburban Mobility Authority for Regional Transportation (SMART) Bus Maintenance Facility	2,000,000
MN	E2008-BUSP-0346	40	Duluth, MN Downtown Duluth Area Transit facility improvements	434,720
MN	E2008-BUSP-0347	177	Fond du Lac Reservation, MN Purchase buses	32,604
MN	E2008-BUSP-0348	577	Metro Transit/Metropolitan Council, MN-Bus/Bus Capital	2,457,000
MN	E2008-BUSP-0349	185	St. Paul to Hinckley, MN Construct bus amenities along Rush Line Corridor	326,040
MN	E2008-BUSP-0350	342	St. Paul, MN Union Depot Multi Modal Transit Facility	434,720

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
MO	E2008-BUSP-0351	473	Bi-State Development Agency-St. Louis Bridge Repair/Reconstruction, for any activity eligible under section 5309	1,293,000
MO	E2008-BUSP-0352	474	Bi-State Development Agency-St. Louis Metro Bus Fare Collection Program	4,139,000
MO	E2008-BUSP-0353	345	Kansas City, MO Bus Transit Infrastructure	217,360
MO	E2008-BUSP-0354	598	OATS, Incorporated, MO-ITS Information and Billing System and Bus Facilities	4,397,000
MO	E2008-BUSP-0355	624	Southeast Missouri Transportation Service-Bus Project	517,000
MS	E2008-BUSP-0356	130	Coahoma County, Mississippi Purchase buses for the Aaron E. Henry Community Health Services Center, Inc./DARTS transit service	32,604
MS	E2008-BUSP-0357	547	Jackson State University, MS-Busing Project	1,293,000
MT	E2008-BUSP-0358	129	Bozeman, Montana-Vehicular Parking Facility	869,440
MT	E2008-BUSP-0359	476	Bozeman, MT, Intermodal and parking facility	175,000
MT	E2008-BUSP-0360	584	Montana Department of Transportation-Statewide Bus Facilities and Buses	776,000
NC	E2008-BUSP-0361	490	Charlotte Area Transit System/City of Charlotte-Charlotte Multimodal Station	2,587,000
NC	E2008-BUSP-0362	217	Charlotte, NC Construct Charlotte Multimodal Station	1,695,408
NC	E2008-BUSP-0363	351	Charlotte, North Carolina-Eastland Community Transit Center	434,720
NC	E2008-BUSP-0364	228	Charlotte, North Carolina-Multimodal Station	869,440
NC	E2008-BUSP-0365	154	City of Greenville, NC Expansion Buses and Greenville Intermodal Center	774,671
NC	E2008-BUSP-0366	324	Elon, North Carolina-Piedmont Authority for Regional Transportation buses and bus facilities	260,832
NC	E2008-BUSP-0367	302	Greensboro, North Carolina-Piedmont Authority for Regional Transportation Multimodal Transportation Center	2,721,347
NC	E2008-BUSP-0368	52	Greensboro, North Carolina-Replacement buses	1,256,341
NC	E2008-BUSP-0369	537	High Point, NC-Intermodal Facility	310,000
NC	E2008-BUSP-0370	335	High Point, North Carolina-Bus Terminal	1,304,160
NC	E2008-BUSP-0371	594	North Carolina Department of Transportation-North Carolina Statewide Bus and Bus Facilities	6,467,000
NC	E2008-BUSP-0372	143	Raleigh, NC Purchase eighteen replacement buses to replace buses that have reached their useful life according to Federal Transit Administration regulations	434,720
NC	E2008-BUSP-0373	134	Town of Chapel Hill, NC Park and Ride Lot	326,040
NC	E2008-BUSP-0374	57	Wilmington, NC Build Intermodal Center	217,360
ND	E2008-BUSP-0375	595	North Dakota Department of Transportation/Statewide Bus	1,300,000
NE	E2008-BUSP-0376	505	City of Omaha-Creighton University Intermodal Facility	776,000
NE	E2008-BUSP-0377	160	Kearney, Nebraska-RYDE Transit Bus Maintenance and Storage Facility	434,720
NE	E2008-BUSP-0378	586	Nebraska Department of Roads-Bus Maintenance and Storage Facility for RYDE in Kearney, NE	517,000
NE	E2008-BUSP-0379	587	Nebraska Department of Roads-Statewide Vehicles, Facilities, and Related Equipment Purchases	1,035,000
NE	E2008-BUSP-0380	240	Nebraska-statewide transit vehicles, facilities, and related equipment	869,440
NE	E2008-BUSP-0381	599	Omaha, NE, Buses and Fare boxes	700,000
NH	E2008-BUSP-0382	418	Windham, New Hampshire--Construction of Park and Ride Bus facility at Exit 3	804,232
NJ	E2008-BUSP-0383	468	Atlantic City, NJ Jitney	750,000
NJ	E2008-BUSP-0384	86	Burlington County, NJ-BurLink and Burlington County Transportation System vehicles and equipment	869,440
NJ	E2008-BUSP-0385	28	Camden, NJ Construction of the Camden County Intermodal Facility in Cramer Hill	217,360
NJ	E2008-BUSP-0386	12	Hoboken, NJ Rehabilitation of Hoboken Inter-modal Terminal	825,968
NJ	E2008-BUSP-0387	102	Jersey City, NJ Construct West Entrance to Pavonia-Newport PATH Station	434,720
NJ	E2008-BUSP-0388	389	Lakewood, NJ-Ocean County Bus service and parking facilities	652,080
NJ	E2008-BUSP-0389	138	Long Branch, NJ Design and construct facilities for ferry service from Long Branch, NJ to New York City and other destinations	869,440
NJ	E2008-BUSP-0390	38	Monmouth County, NJ Construction of main bus facility for Freehold Township, including a terminal and repair shop	434,720
NJ	E2008-BUSP-0391	209	Morristown, New Jersey-Intermodal Historic Station	217,360
NJ	E2008-BUSP-0392	46	National Park Service Design and construct 2.1-mile segment to complete Sandy Hook multiuse pathway in Sandy Hook, NJ	217,360
NJ	E2008-BUSP-0393	340	New Jersey Inter-modal Facilities and Bus Rolling Stock	652,080
NJ	E2008-BUSP-0394	328	New Jersey Transit Community Shuttle Buses	108,680
NJ	E2008-BUSP-0395	13	Newark, NJ Penn Station Intermodal Improvements including the rehabilitation of boarding areas	217,360
NJ	E2008-BUSP-0396	29	Sandy Hook, NJ National Park Service Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area	217,360
NJ	E2008-BUSP-0397	393	South Amboy, NJ Construction of improvements to facilities at South Amboy Station under S Amboy, NJ Regional Intermodal Initiative	1,738,880
NJ	E2008-BUSP-0398	618	South Brunswick, NJ Transit System	1,000,000
NJ	E2008-BUSP-0399	643	Trenton Intermodal Station	4,000,000
NJ	E2008-BUSP-0400	61	Trenton, New Jersey-Trenton Train Station Rehabilitation	326,040
NJ	E2008-BUSP-0401	181	Trenton, NJ Development of Trenton Trolley System	217,360
NJ	E2008-BUSP-0402	62	Trenton, NJ Reconstruction.and rehabilitation of the Trenton Train Station	1,521,520
NM	E2008-BUSP-0403	464	Albuquerque, NM, Ride Bus and Bus Facilities	1,800,000
NM	E2008-BUSP-0404	562	Las Cruces, NM, Road Runner Bus and Bus Facilities	300,000
NV	E2008-BUSP-0405	405	Las Vegas, NV Construct Boulder Highway BRT system and purchase vehicles and related equipment	434,720

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
NV	E2008-BUSP-0406	199	Las Vegas, NV Construct Central City Inter-modal Transportation Terminal	1,304,160
NV	E2008-BUSP-0407	371	Las Vegas, NV Construct Las Vegas West Care Intermodal Facility	54,340
NV	E2008-BUSP-0408	603	Regional Transportation Commission of Southern Nevada-Central City Intermodal Transportation Terminal	1,035,000
NV	E2008-BUSP-0409	18	Reno-Sparks, Nevada-Intermodal Transportation Terminals and Related Development	869,440
NV	E2008-BUSP-0410	630	Southern Nevada Transit Coalition, Public Transit Building Acquisition	300,000
NV	E2008-BUSP-0411	656	Washoe County, NV Bus and Bus Facilities	2,000,000
NY	E2008-BUSP-0412	74	Albany-Schenectady, NY Bus Rapid Transit Improvements in NY Route 5. Corridor.	217,360
NY	E2008-BUSP-0413	463	Albany-Schenectady, NY, Bus Rapid Transit Improvements in NY Route 5	1,200,000
NY	E2008-BUSP-0414	271	Bronx, NY Botanical Garden metro North Rail station Intermodal Facility	217,360
NY	E2008-BUSP-0415	20	Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo	217,360
NY	E2008-BUSP-0416	279	Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo	217,360
NY	E2008-BUSP-0417	166	Bronx, NY Hebrew Home for the Aged elderly and disabled transportation support	40,755
NY	E2008-BUSP-0418	338	Bronx, NY Intermodal Facility near Exit 6. of the Bronx River Parkway	54,340
NY	E2008-BUSP-0419	234	Bronx, NY Jacobi Intermodal Center to North Central Bronx Hospital bus system	67,925
NY	E2008-BUSP-0420	10	Bronx, NY Wildlife Conservation Society intermodal transportation facility at the Bronx Zoo	95,095
NY	E2008-BUSP-0421	197	Brooklyn, NY Construct a multi-modal transportation facility	304,304
NY	E2008-BUSP-0422	408	Brooklyn, NY Construct a multi-modal transportation facility in the vicinity of Downstate Medical Center	217,360
NY	E2008-BUSP-0423	41	Brooklyn, NY New Urban Center-Broadway Junction Intermodal Center	208,666
NY	E2008-BUSP-0424	56	Brooklyn, NY-Rehabilitation of Bay Ridge 86th Street Subway Station	869,440
NY	E2008-BUSP-0425	419	Brooklyn, NY--Rehabilitation of Bay Ridge 86th Street Subway Station	869,440
NY	E2008-BUSP-0426	192	Buffalo, NY Inter-modal Center Parking Facility	217,360
NY	E2008-BUSP-0427	245	Bus to provide York-town, New York internal circulator to provide transportation throughout the Town	40,212
NY	E2008-BUSP-0428	230	Construction of Third Bus Depot on Staten Island	2,608,320
NY	E2008-BUSP-0429	146	Cooperstown, New York-Intermodal Transit Center	1,086,800
NY	E2008-BUSP-0430	363	Corning, New York-Transportation Center	1,086,800
NY	E2008-BUSP-0431	512	Corning, NY, Phase II Corning Preserve Transportation Enhancement Project	550,000
NY	E2008-BUSP-0432	284	Cornwall, NY-Purchase Bus	18,910
NY	E2008-BUSP-0433	300	Geneva, New York-Multimodal facility-Construct passenger rail center	108,680
NY	E2008-BUSP-0434	317	Jamestown, NY Rehabilitation of Intermodal Facility and associated property	434,720
NY	E2008-BUSP-0435	343	Kings County, NY Construct a multi-modal transportation facility	217,360
NY	E2008-BUSP-0436	368	Nassau County, NY Conduct planning and engineering for transportation system (HUB)	1,521,520
NY	E2008-BUSP-0437	585	Nassau County, NY, Conduct planning, engineering, and construction for transportation system (HUB)	1,300,000
NY	E2008-BUSP-0438	25	New York City, NY First Phase Implementation of Bus Rapid Transit System	217,360
NY	E2008-BUSP-0439	376	New York City, NY Purchase Handicapped-Accessible Livery Vehicles	217,360
NY	E2008-BUSP-0440	590	New York City, NY, Bronx Zoo Intermodal Facility	550,000
NY	E2008-BUSP-0441	591	New York City, NY, Enhance Transportation Facilities Near W. 65th Street and Broadway	550,000
NY	E2008-BUSP-0442	592	New York City, NY, Highline Project, for Studies, Design, and Construction	1,300,000
NY	E2008-BUSP-0443	593	New York, Improvements to Moynihan Station	1,300,000
NY	E2008-BUSP-0444	77	Niagara Falls, NY Relocation, Development, and Enhancement of Niagara Falls International Railway Station/Intermodal Transportation Center	1,217,216
NY	E2008-BUSP-0445	373	Niagara Frontier Transportation Authority, NY Replacement Buses	217,360
NY	E2008-BUSP-0446	322	Oneonta, New York-bus replacement	32,604
NY	E2008-BUSP-0447	379	Ramapo, NY Transportation Safety Field Bus	54,340
NY	E2008-BUSP-0448	252	Rochester, New York-Renaissance Square transit center	978,120
NY	E2008-BUSP-0449	430	Rochester, New York-Renaissance Square Transit Center	489,060
NY	E2008-BUSP-0450	607	Rochester, NY, Renaissance Square Intermodal Facility, Design and Construction	1,600,000
NY	E2008-BUSP-0451	609	Rockland County, NY Express Bus	800,000
NY	E2008-BUSP-0452	386	Suffolk County, NY Design and construction of intermodal transit facility in Wyandanch	999,856
NY	E2008-BUSP-0453	353	Suffolk County, NY Purchase four handicapped accessible vans to transport veterans to and from the VA facility in Northport	60,831
NY	E2008-BUSP-0454	635	Syracuse, New York, Syracuse University Connective Corridor Transit Project	1,100,000
NY	E2008-BUSP-0455	261	Thendra-Webb and Utica, New York-Install handicap lifts in intermodal centers	21,736
NY	E2008-BUSP-0456	289	Town of Warwick, NY Bus Facility Warwick Transit System	119,548
NY	E2008-BUSP-0457	451	Utica, New York Transit Multimodal Facilities	1,300,000
NY	E2008-BUSP-0458	78	Utica, New York-Union Station Boehlert Center siding track improvements	21,736
NY	E2008-BUSP-0459	182	Utica, New York-Union Station rehabilitation and related infrastructure improvements	108,680
NY	E2008-BUSP-0460	264	Westchester County, NY Bus replacement program	815,100
NY	E2008-BUSP-0461	149	Yonkers, NY Trolley Bus Acquisition	81,510
OH	E2008-BUSP-0462	362	Akron, OH Construct City of Akron Commuter Bus Transit Facility	326,040
OH	E2008-BUSP-0463	318	Akron, Ohio Construct Downtown Multi-modal Transportation Center	869,440
OH	E2008-BUSP-0464	105	Akron, Ohio-West Market Street transit center and related pedestrian improvements	141,284

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
OH	E2008-BUSP-0465	489	Central Ohio Transit Authority-Paratransit and Small Bus Service Facility	517,000
OH	E2008-BUSP-0466	241	Cincinnati, Ohio-Construct Uptown Crossings Joint Development Transit Project	652,080
OH	E2008-BUSP-0467	89	Cincinnati, Ohio-Metro Regional Transit Hub Network Eastern Neighborhoods	201,058
OH	E2008-BUSP-0468	327	Cleveland, OH Construct East Side Transit Center	652,080
OH	E2008-BUSP-0469	202	Cleveland, OH Construct Fare Collection System Project, Cuyahoga County	108,680
OH	E2008-BUSP-0470	179	Cleveland, OH Construct passenger inter-modal center near Dock 32	186,930
OH	E2008-BUSP-0471	411	Cleveland, OH Construction of an inter-modal facility and related improvements at University Hospitals facility on Euclid Avenue	217,360
OH	E2008-BUSP-0472	51	Cleveland, Ohio acquisition of buses Greater Cleveland Regional Transit Authority	217,360
OH	E2008-BUSP-0473	258	Cleveland, Ohio-Euclid Avenue and East 93rd Street intermodal facility	1,847,560
OH	E2008-BUSP-0474	198	Cleveland, Ohio-Euclid Avenue University Hospital intermodal facility	978,120
OH	E2008-BUSP-0475	50	Cleveland, Ohio-University Circle Intermodal facility	1,847,560
OH	E2008-BUSP-0476	380	Columbiana County, OH Construct Inter-modal Facility	1,086,800
OH	E2008-BUSP-0477	7	Columbus, OH-Central Ohio Transit Authority Paratransit Facility	1,304,160
OH	E2008-BUSP-0478	292	Cuyahoga County, Ohio-Ohio Department of Transportation transit improvements	32,604
OH	E2008-BUSP-0479	120	Dayton Airport Inter-modal Rail Feasibility Study	163,020
OH	E2008-BUSP-0480	516	Dayton-Wright Stop Plaza	517,000
OH	E2008-BUSP-0481	347	Eastlake, Ohio-Eastlake Stadium transit intermodal facility	923,780
OH	E2008-BUSP-0482	309	Elyria, OH Construct the New York Central Train Station into an intermodal transportation hub	445,153
OH	E2008-BUSP-0483	349	Kent, OH Construct Kent State University Intermodal Facility serving students and the general public	217,360
OH	E2008-BUSP-0484	104	Marietta, Ohio Construction of transportation hub to accommodate regional bus traffic	108,680
OH	E2008-BUSP-0485	576	Metro Regional Transit Authority/City of Akron-Downtown Transit Center/Akron	1,811,000
OH	E2008-BUSP-0486	87	Niles, OH Acquisition of bus operational and service equipment of Niles Trumbull Transit	43,472
OH	E2008-BUSP-0487	385	Springfield, OH-City of Springfield Bus Transfer Station and Associated Parking	54,340
OH	E2008-BUSP-0488	34	Toledo, OH TARTA/TARPS Passenger Inter-modal Facility construction	1,630,200
OH	E2008-BUSP-0489	64	Zanesville, OH-bus system signage and shelters	17,661
OR	E2008-BUSP-0490	442	Albany, OR North Albany Park and Ride	207,010
OR	E2008-BUSP-0491	165	Albany, OR Rehabilitate Building At Multimodal Transit Station	331,215
OR	E2008-BUSP-0492	272	Bend, Oregon-replacement vans	217,360
OR	E2008-BUSP-0493	66	Canby, OR bus and bus facilities	32,604
OR	E2008-BUSP-0494	187	Columbia County, OR To purchase buses	30,430
OR	E2008-BUSP-0495	299	Corvallis, OR Bus Replacement	320,865
OR	E2008-BUSP-0496	159	Eugene, OR Lane Transit District, Vehicle Replacement	776,286
OR	E2008-BUSP-0497	325	Grants Pass, OR Purchase Vehicles For Use By Josephine Community Transit	44,248
OR	E2008-BUSP-0498	99	Gresham, Oregon Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood	304,304
OR	E2008-BUSP-0499	168	Lane Transit District, Bus Rapid Transit Progressive Corridor Enhancements	644,172
OR	E2008-BUSP-0500	323	Lincoln, County, OR bus purchase	54,340
OR	E2008-BUSP-0501	175	Molalla, OR South Clackamas Transportation District, bus purchase	21,736
OR	E2008-BUSP-0502	16	Portland, OR Renovation of Union Station, including structural reinforcement and public safety upgrades	21,736
OR	E2008-BUSP-0503	93	Salem, OR bus and bus facilities	434,720
OR	E2008-BUSP-0504	106	Sandy, Oregon Transit Bus Facility	152,152
OR	E2008-BUSP-0505	180	Tillamook, OR construction of a transit facility	21,736
OR	E2008-BUSP-0506	216	Wilsonville, OR South Metro Area Rapid Transit, bus and bus facilities	54,340
OR	E2008-BUSP-0507	82	Yamhill County, OR For the construction of bus shelters, park and ride facilities, and a signage strategy to increase ridership	23,910
PA	E2008-BUSP-0508	225	Allentown, Pennsylvania-Design and Construct Intermodal Transportation Center	434,720
PA	E2008-BUSP-0509	456	Altoona Multimodal Transportation Facility Parking Garage	260,000
PA	E2008-BUSP-0510	465	AMTRAN Altoona, PA-Buses and Transit System Improvements	776,000
PA	E2008-BUSP-0511	467	Area Transportation Authority of North Central Pennsylvania-Vehicle Replacements	259,000
PA	E2008-BUSP-0512	471	Beaver County, PA Transit Authority Bus Replacement/ Related Equipment Replacement	259,000
PA	E2008-BUSP-0513	481	Butler Township, PA-Cranbury Area Transit Service	905,000
PA	E2008-BUSP-0514	428	Butler, PA-Multimodal Transit Center Construction	217,360
PA	E2008-BUSP-0515	482	Cambria County, PA Transit Authority-Bus Replacements	776,000
PA	E2008-BUSP-0516	123	Cheltenham, PA Glenside Rail Station Parking Garage project involving the construction of a 300-400 space parking lot at Easton Road and Glenside Avenue	217,360
PA	E2008-BUSP-0517	500	City of Hazleton, PA-Hazleton Intermodal Center	362,000
PA	E2008-BUSP-0518	513	County of Lackawanna Transit System-Scranton Intermodal Transportation Center	259,000
PA	E2008-BUSP-0519	514	Cumberland-Dauphin-Harrisburg Transit Authority-Purchase of Buses and Spare Units	259,000
PA	E2008-BUSP-0520	81	Easton, Pennsylvania-Design and construct Intermodal Transportation Center	434,720
PA	E2008-BUSP-0521	524	Erie, PA Metropolitan Transit Authority-Bus Acquisitions	259,000
PA	E2008-BUSP-0522	431	Erie, PA-EMTA Vehicle Acquisition	434,720
PA	E2008-BUSP-0523	331	Gettysburg, Pennsylvania-transit transfer center	195,407
PA	E2008-BUSP-0524	458	Hershey, Pennsylvania Intermodal Center and Parking Garage	65,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
PA	E2008-BUSP-0525	233	Intermodal Facilities in Bucks County (Croydon and Levittown Stations)	652,080
PA	E2008-BUSP-0526	457	Lancaster County, Pennsylvania Intermodal Center and Parking Facility	65,000
PA	E2008-BUSP-0527	37	Lancaster, PA-bus replacement	206,492
PA	E2008-BUSP-0528	559	Lancaster, PA-Intermodal Project	181,000
PA	E2008-BUSP-0529	564	Lehigh and Northampton Transportation Authority, PA-Allentown Intermodal Transportation Center	517,000
PA	E2008-BUSP-0530	583	Monroe Township, PA-Clarion County Buses	171,000
PA	E2008-BUSP-0531	588	New Castle, PA Area Transit Authority-Bus Purchases/Park and Ride Facility	191,000
PA	E2008-BUSP-0532	201	Philadelphia, PA Cruise Terminal Transportation Ctr. Phila. Naval Shipyard	760,760
PA	E2008-BUSP-0533	137	Philadelphia, PA Improvements to the existing Penn's Landing Ferry Terminal	869,440
PA	E2008-BUSP-0534	413	Philadelphia, PA Penn's Landing water shuttle parking lot expansion and water shuttle ramp infrastructure construction	239,096
PA	E2008-BUSP-0535	22	Philadelphia, PA Philadelphia Zoo Intermodal Transportation project w/parking consolidation, pedestrian walkways, public transportation complements & landscape improvements to surface parking lots	1,086,800
PA	E2008-BUSP-0536	274	Philadelphia, PA SEPTA's Market St. Elevated Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridor	304,304
PA	E2008-BUSP-0537	316	Philadelphia, Pennsylvania-SEPTA Market Street Elevated Line parking facility	869,440
PA	E2008-BUSP-0538	126	Pittsburgh, PA Clean Fuel Bus Procurement	108,680
PA	E2008-BUSP-0539	397	Pottsville, PA Union Street Trade and Transfer Center Intermodal Facility	434,720
PA	E2008-BUSP-0540	48	Project provides for the engineering and construction of a transportation center in Paoli, Chester County	217,360
PA	E2008-BUSP-0541	96	SEPTA Montgomery County Intermodal Improvements at Glenside and Jenkintown Station Parking Garages	1,086,800
PA	E2008-BUSP-0542	424	Sharon, PA-Bus Facility Construction	108,680
PA	E2008-BUSP-0543	626	Southeastern Pennsylvania Transportation Authority-Bucks County Intermodal (Croydon and Levittown)	776,000
PA	E2008-BUSP-0544	627	Southeastern Pennsylvania Transportation Authority-Paoli Transportation Center	776,000
PA	E2008-BUSP-0545	628	Southeastern Pennsylvania Transportation Authority-Villanova-SEPTA Intermodal	776,000
PA	E2008-BUSP-0546	642	Transit Authority of Warren County, PA-Impact Warren	259,000
PA	E2008-BUSP-0547	33	Warren, PA-Construct Intermodal Transportation Center and related pedestrian and landscape improvements	326,040
PA	E2008-BUSP-0548	660	Westmoreland County Transit Authority, PA-Bus Replacement	259,000
PA	E2008-BUSP-0549	661	Wilkes-Barre Intermodal Facility	1,552,000
PA	E2008-BUSP-0550	662	Williamsport, PA Bureau of Transportation-Williamsport Trade and Transit Centre Expansion	776,000
PA	E2008-BUSP-0551	65	York, Pennsylvania-Rabbit Transit facilities and communications equipment	602,196
PR	E2008-BUSP-0552	128	Bayamon, Puerto Rico-bus terminal	130,416
PR	E2008-BUSP-0553	421	Bayamon, Puerto Rico-Purchase of Trolley Cars	184,756
PR	E2008-BUSP-0554	3	Lares, PR-Trolley buses-for the purchase of two trolley buses that will offer transportation through the urban zone in the Municipality of Lares	57,383
PR	E2008-BUSP-0555	164	Puerto Rico-Caribbean National Forest buses and bus facilites	652,080
PR	E2008-BUSP-0556	152	San Juan, Puerto Rico-bus security equipment	652,080
PR	E2008-BUSP-0557	71	San Juan, Puerto Rico-Buses	217,360
PR	E2008-BUSP-0558	58	Yabucoca, Puerto Rico-Trolley Buses	38,038
RI	E2008-BUSP-0559	246	Providence, RI Expansion of Elmwood Paratransit Maintenance Facility	1,086,800
RI	E2008-BUSP-0560	115	Rhode Island Statewide Bus Fleet	1,304,160
RI	E2008-BUSP-0561	604	Rhode Island, RIPTA Elmwood Facility Expansion	1,750,000
SC	E2008-BUSP-0562	533	Greensville, SC Transit Authority-City of Greenville Multimodal Transportation Center Improvements	259,000
SC	E2008-BUSP-0563	619	South Carolina Department of Transportation-Transit Facilities Construction Program	517,000
SC	E2008-BUSP-0564	620	South Carolina Department of Transportation-Vehicle Acquisition Program	2,069,000
SD	E2008-BUSP-0565	621	South Dakota Department of Transportation-Statewide Buses and Bus Facilities	3,785,000
TN	E2008-BUSP-0566	237	Knoxville, Tennessee-Central Station Transit Center	2,217,072
TN	E2008-BUSP-0567	554	Knoxville, TN-Central Station	647,000
TN	E2008-BUSP-0568	565	Lipscomb University, TN-Intermodal Parking Garage	388,000
TN	E2008-BUSP-0569	579	Metropolitan Transit Authority-Nashville Downtown Transit Transfer Facility	3,104,000
TN	E2008-BUSP-0570	268	Nashville, TN Construct a parking garage on the campus of Lipscomb University, Nashville	434,720
TN	E2008-BUSP-0571	412	Nashville, TN Construct Downtown Nashville Transit Transfer Facility	326,040
TN	E2008-BUSP-0572	30	Sevier County, Tennessee-U.S. 441 bus rapid transit	54,340
TN	E2008-BUSP-0573	636	Tennessee Department of Transportation-Statewide Tennessee Transit ITS and Bus Replacement Project	3,104,000
TN	E2008-BUSP-0574	649	University of Memphis-Pedestrian Bridge	776,000
TX	E2008-BUSP-0575	426	Abilene, TX Vehicle replacement and facility improvements for transit system	86,944
TX	E2008-BUSP-0576	480	Brownsville Urban System, TX--City-Wide Transit Improvement Project	1,035,000
TX	E2008-BUSP-0577	162	Brownsville, TX Brownsville Urban System City-Wide Transit Improvement Project	543,400
TX	E2008-BUSP-0578	153	Bryan, TX The District-Bryan Intermodal Transit Terminal and Parking Facility	652,080
TX	E2008-BUSP-0579	485	Capital Metropolitan Transportation Authority, TX-Bus Replacements	2,587,000
TX	E2008-BUSP-0580	455	Carrollton, Texas Downtown Regional Multimodal Transit Hub	260,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
TX	E2008-BUSP-0581	506	City of Round Rock, TX-Downtown Intermodal Transportation Terminal	259,000
TX	E2008-BUSP-0582	111	Construct West Houston and Fort Bend County, Texas-bus transit corridor	434,720
TX	E2008-BUSP-0583	438	Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements	543,400
TX	E2008-BUSP-0584	515	Dallas Area Rapid Transit-Bus passenger Facilities	259,000
TX	E2008-BUSP-0585	336	Dallas, TX Bus Passenger Facilities	2,782,208
TX	E2008-BUSP-0586	196	Design Downtown Carrollton, Texas Regional Multi-Modal Transit Hub Station	434,720
TX	E2008-BUSP-0587	290	Galveston, Texas-Intermodal center and parking facility, The Strand	978,120
TX	E2008-BUSP-0588	536	Harris County-West Houston-Fort Bend Bus Transit Corridor: Uptown Westpark Terminal	259,000
TX	E2008-BUSP-0589	561	Laredo-North Laredo Transit Hub-Bus Maintenance Facility	776,000
TX	E2008-BUSP-0590	24	Roma, TX Bus Facility	114,114
TX	E2008-BUSP-0591	610	San Angelo, TX Street Railroad Company-Transit Fleet Replacement	259,000
TX	E2008-BUSP-0592	210	San Antonio, TX Improve VIA bus facility and purchase new buses	1,521,520
TX	E2008-BUSP-0593	653	VIA Metropolitan Transit Authority, TX-Bus & Bus Facility Improvements	1,293,000
TX	E2008-BUSP-0594	63	Zapata, Texas Purchase Bus vehicles	67,925
UT	E2008-BUSP-0595	178	Sandy City, UT Construct transit hub station and TRAX station at 9400 South	434,720
UT	E2008-BUSP-0596	651	Utah Statewide Bus and Bus Facilities	7,757,000
VA	E2008-BUSP-0597	409	Alexandria, VA Eisenhower Avenue Inter-modal Station improvements, including purchase of buses and construction of bus shelters	543,400
VA	E2008-BUSP-0598	232	Alexandria, VA Royal Street Bus Garage Replacement	108,680
VA	E2008-BUSP-0599	278	Arlington County, VA Columbia Pike Bus Improvements	760,760
VA	E2008-BUSP-0600	142	Arlington County, VA Crystal City-Potomac Yard Busway, including construction of bus shelters	625,080
VA	E2008-BUSP-0601	359	Arlington County, VA Pentagon City Multimodal Improvements	434,720
VA	E2008-BUSP-0602	157	Bealeton, Virginia-Intermodal Station Depot Refurbishment	59,774
VA	E2008-BUSP-0603	492	City of Alexandria, VA-City-Wide Transit Improvements	259,000
VA	E2008-BUSP-0604	493	City of Alexandria, VA-Potomac Yard Transit Improvements	259,000
VA	E2008-BUSP-0605	494	City of Alexandria, VA-Replace Royal Street Bus Garage	776,000
VA	E2008-BUSP-0606	495	City of Alexandria, VA-Valley Pedestrian & Transit	259,000
VA	E2008-BUSP-0607	511	Commonwealth of Virginia-Statewide Bus Capital Program	3,880,000
VA	E2008-BUSP-0608	15	Fairfax County, VA Richmond Highway (U.S. Route1) Public Transportation Improvements	434,720
VA	E2008-BUSP-0609	525	Fairfax County, Virginia-Richmond Highway Initiative	517,000
VA	E2008-BUSP-0610	281	Falls Church, VA Falls Church Intermodal Transportation Center	434,720
VA	E2008-BUSP-0611	97	Fredericksburg, Virginia-Improve and repair Fredericksburg Station	543,400
VA	E2008-BUSP-0612	532	Greater Richmond Transit, VA-Bus Operations/Maintenance Facility	1,293,000
VA	E2008-BUSP-0613	535	Hampton Roads Transit, VA-Southside Bus Facility	259,000
VA	E2008-BUSP-0614	391	Hampton Roads, VA Final design and construction for a Hampton Roads Transit Southside Bus Facility	434,720
VA	E2008-BUSP-0615	354	Norfolk, Virginia-Final Design and Construction Southside Bus Facility	380,380
VA	E2008-BUSP-0616	68	Northern Neck and Middle Peninsula, Virginia-Bay Transit Multimodal Facilities	706,420
VA	E2008-BUSP-0617	602	Potomac & Rappahannock Transportation Commission, VA-Buses for Service Expansion	259,000
VA	E2008-BUSP-0618	360	Richmond, VA Design and construction for a bus operations and maintenance facility for Greater Richmond Transit Company	326,040
VA	E2008-BUSP-0619	184	Richmond, VA Renovation and construction for Main Street Station	239,096
VA	E2008-BUSP-0620	434	Roanoke, VA-Bus restoration in the City of Roanoke	54,340
VA	E2008-BUSP-0621	312	Roanoke, Virginia-Improve Virginian Railway Station	54,340
VA	E2008-BUSP-0622	305	Roanoke, Virginia-Intermodal Facility	43,472
VA	E2008-BUSP-0623	361	Roanoke, Virginia-Roanoke Railway and Link Passenger facility	108,680
VT	E2008-BUSP-0624	477	Brattleborough, VT, Intermodal Center	200,000
VT	E2008-BUSP-0625	486	CCTA, VT, Bus, Facilities and Equipment	500,000
VT	E2008-BUSP-0626	633	State of Vermont Buses, Facilities and Equipment	480,000
WA	E2008-BUSP-0627	395	Ilwaco, WA Construct park and ride	21,736
WA	E2008-BUSP-0628	94	Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	21,736
WA	E2008-BUSP-0629	337	Island Transit, WA Operations Base Facilities Project	521,664
WA	E2008-BUSP-0630	193	Mukilteo, WA Multi-Modal Terminal	1,260,688
WA	E2008-BUSP-0631	334	North Bend, Washington-Park and Ride	173,888
WA	E2008-BUSP-0632	333	Oak Harbor, WA Multimodal Facility	217,360
WA	E2008-BUSP-0633	613	Seattle, WA Multimodal Terminal Redevelopment & Expansion	1,000,000
WA	E2008-BUSP-0634	113	Snohomish County, WA Community Transit bus purchases and facility enhancement	652,080
WA	E2008-BUSP-0635	151	Thurston County, WA Replace Thurston County Buses	195,624
WA	E2008-BUSP-0636	654	Washington Southworth Terminal Redevelopment	1,350,000
WA	E2008-BUSP-0637	655	Washington, King Street Transportation Center-Intercity Bus Terminal Component	70,000
WI	E2008-BUSP-0638	350	Milwaukee, WI Rehabilitate Intermodal transportation facility at downtown Milwaukee's Amtrak Station, increase parking for bus passengers	978,120
WI	E2008-BUSP-0639	100	State of Wisconsin buses and bus facilities	3,553,836
WI	E2008-BUSP-0640	452	State of Wisconsin Transit Intermodal Facilities	1,300,000
WI	E2008-BUSP-0641	663	Wisconsin, Statewide Buses and Bus Facilities	650,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2008 Section 5309 Bus and Bus-Related Facilities Allocations

State	Earmark ID	SAFETEA-LU Project No.	Project	Allocation
WV	E2008-BUSP-0642	73	West Virginia Construct Beckley Intermodal Gateway pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L.. 105-178.	5,216,640
WV	E2008-BUSP-0643	658	West Virginia, Statewide Bus and Bus Facilities	5,000,000
WY	E2008-BUSP-0644	665	Wyoming Department of Transportation-Wyoming Statewide Bus and Bus Related Facilities	776,000
			Subtotal	$471,920,593
Ferry Boat Systems Projects				
CA	E2008-BUSP-0645		San Francisco Water Transit Authority	2,500,000
MA	E2008-BUSP-0646		Massachusetts Bay Transportation Authority Ferry System	2,500,000
ME	E2008-BUSP-0647		Maine State Ferry Service, Rockland	650,000
ME	E2008-BUSP-0648		Swans Island, Maine Ferry Service	350,000
NJ	E2008-BUSP-0649		Camden, New Jersey Ferry System	1,000,000
NY	E2008-BUSP-0650		Governor's Island, New York Ferry System	1,000,000
NY	E2008-BUSP-0651		Staten Island Ferry	1,000,000
PA	E2008-BUSP-0652		Philadelphia Penn's Landing Ferry Terminal	1,000,000
			Subtotal	$10,000,000
Other Projects				
----	E2008-BUSP-0953		Fuel Cell Bus Program	12,750,000
PA	E2008-BUSP-0954		Bus Testing	3,000,000
			Subtotal	$15,750,000
			FY 2008 SAFETEA-LU Allocations Grand Total	**$497,670,593**

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
FY 2006 Unobligated Allocations					
AK	E-2006-BUSP-000	----------	Alaska Native Medical Center intermodal bus/parking facility	742,500	
AK	E-2006-BUSP-001	427	Alaska Native Medical Center intermodal parking facility	1,138,500	
AK	E-2006-BUSP-003	422	C Street Expanded bus facility and inter-modal parking garage, Anchorage, AK	1,138,500	
AK	E-2006-BUSP-004	425	CITC Non-profit Services Center inter-modal parking facility, Anchorage, AK	683,100	
AK	E-2006-BUSP-005	541	Hoonah, AK-Intermodal Ferry Dock	453,420	
AK	E-2006-BUSP-006	416	Improve marine inter-modal facilities in Ketchikan	3,187,800	
AK	E-2006-BUSP-007	236	Juneau, Alaska-transit bus acquisition and transit center	341,550	
AK	E-2006-BUSP-008	550	Juneau-Transit Bus Acquisition and Transit Center	340,560	
AK	E-2006-BUSP-009	553	Ketchikan, Alaska-Transit Needs	56,430	
AK	E-2006-BUSP-010	574	Matsu, Alaska-Transit Needs	113,850	
AK	E-2006-BUSP-011	423	Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK	569,250	
AK	E-2006-BUSP-012	596	North Slope Borough, AK-Transit Purposes	453,420	
AK	E-2006-BUSP-014	616	Sitka, Alaska-Transit Needs	56,430	
AK	E-2006-BUSP-015	----------	Skagway Intermodal facility, Alaska	425,793	
AK	E-2006-BUSP-016	664	Wrangell, AK-Ferry Infrastructure	226,710	
AL	E-2006-BUSP-018	461	Alabama Institute for Deaf and Blind-Bus project	113,850	
AL	E-2006-BUSP-021	437	American Village/Montevallo, Alabama construction of closed loop Access Road, bus lanes and parking facility	76,143	
AL	E-2006-BUSP-329	469	Auburn University-Intermodal Parking Garage	906,840	
AL	E-2006-BUSP-022	98	Birmingham, AL Expansion of Downtown Intermodal Facility, Phase II	380,714	
AL	E-2006-BUSP-023	496	City of Birmingham, AL-Birmingham Downtown Intermodal Terminal, Phase II	1,133,550	
AL	E-2006-BUSP-027	507	City of Tuscaloosa, AL-Intermodal Facility	1,360,260	a/
AL	E-2006-BUSP-032	----------	Lawson State Community College, Alabama	445,500	
AL	E-2006-BUSP-033	582	Mobile County, AL Commission-Bus project	113,850	
AL	E-2006-BUSP-034	----------	Mobile Waterfront Infrastructure Development, AL	594,000	
AL	E-2006-BUSP-036	----------	Trolley Plaza, AL	123,750	
AL	E-2006-BUSP-037	644	University of Alabama in Birmingham Intermodal Facility	1,587,960	
AL	E-2006-BUSP-039	646	University of Alabama Intermodal Facility South	2,041,380	
AR	E-2006-BUSP-042	487	Central Arkansas Transit Authority Facility Upgrades	445,500	
AR	E-2006-BUSP-044	231	Harrison, Arkansas-Trolley Barn	7,614	
AR	E-2006-BUSP-045	----------	State of Arkansas—Bus and Bus Facilities	3,960,000	
AZ	E-2006-BUSP-047	----------	Coconino County Bus Facilities, AZ	990,000	
AZ	E-2006-BUSP-048	304	Coconino County buses and bus facilities for Flagstaff, AZ	237,947	
AZ	E-2006-BUSP-049	229	Coconino County, Arizona-Bus and bus facilities for the Sedona Transit System	180,839	
CA	E-2006-BUSP-062	----------	ADA Paratransit Vehicles, San Diego, CA	7,400	
CA	E-2006-BUSP-065	398	Amador County, California-Regional Transit Center	190,357	
CA	E-2006-BUSP-066	76	Baldwin Park, CA Construct vehicle and bicycle parking lot and pedestrian rest area at transit center	380,714	
CA	E-2006-BUSP-067	227	Berkeley, CA Construct Ed Roberts Campus Intermodal Transit Disability Center	571,072	
CA	E-2006-BUSP-068	----------	Blue Line Trolley Shelter Improvements, CA	5,200	
CA	E-2006-BUSP-069	----------	Burbank Airport Hybrid Shuttle Demonstration Project, CA	495,000	
CA	E-2006-BUSP-070	119	Burbank, CA CNG Transit Vehicles Purchase for Local Transit Network Expansion	85,661	
CA	E-2006-BUSP-071	396	Burbank, CA Construction of Empire Area Transit Center near Burbank Airport	47,589	
CA	E-2006-BUSP-072	190	Calexico, CA Purchase new buses for the Calexico Transit System	57,107	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
CA	E-2006-BUSP-073	132	Carson, CA Purchase one bus	47,589	
CA	E-2006-BUSP-074	407	Carson, CA Purchase one trolley-bus vehicle	47,589	
CA	E-2006-BUSP-075	108	Carson, CA Purchase two transfer facility	95,179	
CA	E-2006-BUSP-076	54	City of Alameda, CA Plan, design, and construct intermodal facility	380,714	
CA	E-2006-BUSP-078	----------	City of Modesto's Bus Maintenance Facility, CA	495,000	
CA	E-2006-BUSP-079	----------	Construct bus shelters in Bellflower, CA	247,500	
CA	E-2006-BUSP-081	158	Covina, El Monte, Baldwin Park, Upland, CA Parking and Electronic Signage Improvements	333,125	
CA	E-2006-BUSP-082	207	Culver City, CA Purchase compressed natural gas buses and expand natural gas fueling facility	704,322	
CA	E-2006-BUSP-083	17	Davis, CA Davis Multi-Modal Station to improve entrance to Amtrak Depot and parking lot, provide additional parking and improve service	190,357	
CA	E-2006-BUSP-084	11	Development of Gold Country Stage Transit Transfer Center, Nevada County, CA	177,093	
CA	E-2006-BUSP-087	----------	Ed Roberts Campus, Berkeley, CA	297,000	
CA	E-2006-BUSP-089	101	Emeryville, CA Expand & Improve Inter-modal Transit Center at Amtrak Station	190,357	
CA	E-2006-BUSP-091	----------	Fairfield/Vacaville Intermodal Station, CA	495,000	
CA	E-2006-BUSP-092	----------	Foothill Transit, San Gabriel Valley, CA	3,267,000	
CA	E-2006-BUSP-093	387	Fresno, CA-Develop program of low-emission transit vehicles	190,357	
CA	E-2006-BUSP-094	260	Gardena, CA Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment	1,166,889	
CA	E-2006-BUSP-095	212	Glendale, CA Construction of Downtown Streetcar Project	190,357	
CA	E-2006-BUSP-096	1	Glendale, CA Purchase of CNG Buses for Glendale Beeline Transit System	87,945	
CA	E-2006-BUSP-097	----------	Golden Empire Transit traffic signal priority project, CA	247,500	
CA	E-2006-BUSP-099	414	Hercules, CA Inter-modal Rail Station Improvements	285,536	
CA	E-2006-BUSP-1107	----------	Intermodal Park and Ride Facility at Discovery Science Center, Santa Ana, CA	297,000	b/
CA	E-2006-BUSP-101	----------	Intermodal Transit Center, Bell Gardens, CA	396,000	
CA	E-2006-BUSP-103	----------	La Habra Shuttle Senior Transportation Program, CA	155,430	
CA	E-2006-BUSP-104	----------	Lakewood Bus Stop Improvements, Lakewood, California	396,000	
CA	E-2006-BUSP-106	----------	Long Beach Transit Bus Purchase, California	742,500	
CA	E-2006-BUSP-107	276	Long Beach, Ca Museum of Latin American Art, Long Beach, to build intermodal park and ride facility	380,714	
CA	E-2006-BUSP-108	332	Long Beach, CA Park and Ride Facility	190,357	
CA	E-2006-BUSP-109	295	Long Beach, CA Purchase one larger (75. passengers) and two smaller (40 passengers) ferryboats and construct related dock work to facilitate the use and accessibility of the ferryboats	571,072	
CA	E-2006-BUSP-110	410	Long Beach, CA Purchase ten clean fuel buses	571,072	
CA	E-2006-BUSP-111	443	Los Angeles County Metropolitan Transit Authority, CA capital funds for facility improvements to support the Cal State Northridge tram system	61,866	
CA	E-2006-BUSP-112	----------	Los Angeles Valley College Bus Station Extension, California	742,500	
CA	E-2006-BUSP-114	223	Los Angeles, CA Design and construct improved transit and pedestrian linkages between Los Angeles Community College and nearby MTA rail stop and bus lines	285,536	
CA	E-2006-BUSP-115	307	Los Angeles, CA Improve safety, mobility and access between LATTC, Metro line and nearby bus stops on Grand Ave between Washington and 23rd	95,179	
CA	E-2006-BUSP-116	121	Los Angeles, CA Improve transit shelters, sidewalks lighting and landscaping around Cedar's-Sinai Medical Center	285,536	
CA	E-2006-BUSP-118	36	Los Angeles, CA Wilshire-Vermont subway station reconstruction	190,357	
CA	E-2006-BUSP-119	6	Los Angeles, CA, Construction of Intermodal Transit Center at California State University Los Angeles	150,382	
CA	E-2006-BUSP-120	567	Los Angeles, CA, Fly-Away Bus System Expansion	495,000	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
CA	E-2006-BUSP-121	566	Los Angeles, CA, LAX Intermodal Transportation Center Rail and Bus System Expansion	495,000	
CA	E-2006-BUSP-123	112	Mariposa, CA-Yosemite National Park CNG-Hydrogen transit buses and facilities	475,893	
CA	E-2006-BUSP-124	266	Martinez, CA Inter-modal Facility Restoration	285,536	
CA	E-2006-BUSP-125	285	Metro Gold Line Foothill Extension Light Rail Transit Project from Pasadena, CA to Montclair, CA	2,855,358	
CA	E-2006-BUSP-126	39	Monrovia, California-Transit Village Project	571,072	
CA	E-2006-BUSP-127		Monrovia, Los Angeles County, CA, Transit Village	1,485,000	
CA	E-2006-BUSP-128	200	Montebello, CA Bus Lines Bus Fleet Replacement Project	133,250	
CA	E-2006-BUSP-130	321	Monterey Park, CA Catch Basins at Transit Stop Installation	60,915	
CA	E-2006-BUSP-131	191	Monterey Park, CA Safety improvements at a bus stop including creation of bus loading areas and street improvements	304,572	
CA	E-2006-BUSP-135	----------	New Bus Facility Capital Improvements, California (San Joaquin)	990,000	
CA	E-2006-BUSP-136	92	Norwalk, CA Transit System Bus Procurement and Los Angeles World Airport Remote Fly-Away Facility Project	152,286	
CA	E-2006-BUSP-137	392	Oakland, CA Construct Bay Trail between Coliseum BART station and Martin Luther King, Jr. Regional Shoreline	171,321	
CA	E-2006-BUSP-138	352	Oakland, CA Construct streetscape & intermodal improvements at BART Station Transit Villages	190,357	
CA	E-2006-BUSP-139	----------	OCTA BRT	1,485,000	
CA	E-2006-BUSP-143	194	Orange County Transit Authority, California-Security surveillance and monitoring equipment	1,006,989	
CA	E-2006-BUSP-144	244	Orange County, CA Purchase buses for rapid transit	190,357	
CA	E-2006-BUSP-145	366	Orange County, CA Transportation Projects to Encourage Use of Transit to Reduce Congestion	190,357	
CA	E-2006-BUSP-147	----------	Palm Springs Aerial Tramway Bus Project, CA	594,000	
CA	E-2006-BUSP-148	45	Palm Springs, California-Sunline Transit bus purchase	95,179	
CA	E-2006-BUSP-149	70	Palm Springs, California-Sunline Transit: CalStrat-Weststart fuel cell bus program	190,357	
CA	E-2006-BUSP-150	----------	Paramount Easy Rider Clean-Air Buses, Paramount, California	198,000	
CA	E-2006-BUSP-151	399	Pasadena, CA ITS Improvements	190,357	
CA	E-2006-BUSP-395	----------	Placerville Station II	790,000	c/
CA	E-2006-BUSP-152	116	Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	285,536	
CA	E-2006-BUSP-153	----------	Redondo Beach Coastal Shuttle Transit Vehicles, California	693,000	
CA	E-2006-BUSP-154	251	Redondo Beach, CA Capital Equipment procurement of 12. Compressed Natural Gas (CNG) Transit Vehicles for Coastal Shuttle Services by Beach Cities Transit	152,286	
CA	E-2006-BUSP-155	286	Richmond, CA BART Parking Structure	951,786	
CA	E-2006-BUSP-158	----------	Rosemary Children's Services' Transportation Program, California	74,250	
CA	E-2006-BUSP-160	84	Sacramento, CA Construct intermodal station and related improvements	1,092,500	
CA	E-2006-BUSP-165	314	San Diego, CA Widen sidewalks and bus stop entrance, and provide diagonal parking, in the Skyline Paradise Hills neighborhood (Reo Drive)	57,107	
CA	E-2006-BUSP-166	183	San Fernando Valley, CA Reseda Blvd. Bus Rapid Transit Route	114,214	
CA	E-2006-BUSP-167	127	San Fernando, CA Purchase CNG buses and related equipment and construct facilities	578,686	
CA	E-2006-BUSP-173	341	San Gabriel Valley, CA-Foothill Transit Park and Rides	1,808,393	
CA	E-2006-BUSP-174	254	San Joaquin, California Regional Rail-Altamont Commuter Express Corridor inter-modal centers	761,429	
CA	E-2006-BUSP-177	145	Santa Ana, CA Improve Santa Ana transit terminal	190,357	
CA	E-2006-BUSP-178	147	Santa Barbara, CA-Expansion of Regional Intermodal Transit Center	57,107	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
CA	E-2006-BUSP-180	364	Santa Monica, CA Construct intermodal park-and-ride facility at Santa Monica College campus on South Bundy Drive near Airport Avenue	190,357
CA	E-2006-BUSP-181	172	Santa Monica, CA Purchase and service LNG buses for Santa Monica's Big Blue Bus to meet increased ridership needs and reduce emissions	713,840
CA	E-2006-BUSP-182	----------	Shuttle bus to transport seniors in Bell Gardens, California	99,000
CA	E-2006-BUSP-187	401	South Pasadena, CA Silent Night Grade Crossing Project	171,321
CA	E-2006-BUSP-189	----------	Spencer Avenue Bus Transfer Center, Oroville, CA	346,500
CA	E-2006-BUSP-190	388	Sylmar, CA Los Angeles Mission College Transit Center construction	47,589
CA	E-2006-BUSP-191	315	Temecula, California-Intermodal Transit Facility	95,179
CA	E-2006-BUSP-192	85	Torrance Transit System, CA Acquisition of EPA and CARB-certified low emission replacement buses	571,072
CA	E-2006-BUSP-193	----------	Torrance Transit System, California	396,000
CA	E-2006-BUSP-200	195	Woodland Hills, CA Los Angeles Pierce College Bus Rapid Transit Station Extension	190,357
CA	E-2006-BUSP-201	83	Woodland, CA Yolobus operations, maintenance, administration facility expansion and improvements to increase bus service with alternative fuel buses	380,714
CA	E-2006-BUSP-202	----------	Yorba Linda Senior Mobility Program—TRAILS	40,590
CA	E-2006-BUSP-203	----------	Yosemite Area Regional Transportation System	247,500
CA	E-2006-BUSP-204	----------	Zero Emission Bus Demonstration, Santa Clara, California	396,000
CO	E-2006-BUSP-206	449	City of Aspen, CO Bus and Bus Facilities	133,250
CO	E-2006-BUSP-208	509	Colorado Association of Transit Agencies/Colorado Transit Coalition-Colorado Statewide Buses and Bus Facilities	1,922,540
CO	E-2006-BUSP-210	518	Denver Regional Transit District-Bus Maintenance Facility	680,130
CO	E-2006-BUSP-211	520	Denver Regional Transit District-Denver Union Station Multimodal Renovations	453,420
CO	E-2006-BUSP-212	521	Denver Regional Transit District-US 36 Corridor BRT	1,587,960
CO	E-2006-BUSP-213	167	Denver, CO Denver Union Station Inter-modal Center	1,046,965
CT	E-2006-BUSP-222	----------	Bridgeport Intermodal Transport Center, CT	3,960,000
CT	E-2006-BUSP-223	44	Bridgeport, Connecticut-Greater Bridgeport Transit Authority Bus Facility	95,179
CT	E-2006-BUSP-224	478	Bridgeport, CT Facility Expansion/Improvement	346,500
CT	E-2006-BUSP-226	523	Downtown Middletown, CT, Transportation Infrastructure Improvement Project	1,980,000
CT	E-2006-BUSP-227	218	Enfield, Connecticut-intermodal station	411,072
CT	E-2006-BUSP-229	----------	Inter-Modal Center, Middletown, CT	297,000
CT	E-2006-BUSP-230	267	Middletown, CT Construct intermodal center	285,536
CT	E-2006-BUSP-232	269	New London, Connecticut-Intermodal Transportation Center and Streetscapes	95,179
CT	E-2006-BUSP-233	----------	Northwestern Connecticut Central Transit Facility	297,000
CT	E-2006-BUSP-234	----------	Norwalk Pulse Point Joint Improvements, CT	247,500
CT	E-2006-BUSP-235	369	Norwalk, Connecticut-Pulse Point Joint Development inter-modal facility	95,179
CT	E-2006-BUSP-236	----------	South Norwalk Intermodal Facility, Norwalk, CT	990,000
CT	E-2006-BUSP-237	----------	Stamford Urban Transitway Phase II, CT	2,970,000
CT	E-2006-BUSP-238	131	Stonington and Mystic, Connecticut-Intermodal Center parking facility and Streetscape	464,471
CT	E-2006-BUSP-239	32	Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	380,714
CT	E-2006-BUSP-241	657	Waterbury, CT Bus Maintenance Facility	1,980,000
DC	E-2006-BUSP-242	----------	Union Station Intermodal Transportation Center, Washington, D.C.	693,000
DE	E-2006-BUSP-245	----------	Bus Replacement and Facilities, DE	990,000
FL	E-2006-BUSP-247	----------	2nd St/Andrews Ave/3rd St Enhancements, Fort Lauderdale, FL	495,000
FL	E-2006-BUSP-248	----------	7th Avenue Transit Hub, FL	396,000
FL	E-2006-BUSP-249	----------	Alternative fuel buses, Broward County, FL	990,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
FL	E-2006-BUSP-250	470	Bay County, FL - Transit Facility	453,420
FL	E-2006-BUSP-251	----------	Broward County Alternative Fuel Buses, FL	113,850
FL	E-2006-BUSP-252	----------	Broward County Southwest Bus Facility, FL	990,000
FL	E-2006-BUSP-253	297	Broward County, FL - Purchase Buses and construct bus facilities	380,714
FL	E-2006-BUSP-254	69	Broward County, FL Buses & Bus Facilities	1,237,322
FL	E-2006-BUSP-255	479	Broward County-Bus and Bus Facilities	453,420
FL	E-2006-BUSP-256	117	Broward, FL Purchase new articulated buses and bus stop improvements on State Road 7. (SR 7) between Golden Glades Interchange and Glades Road	95,179
FL	E-2006-BUSP-257	439	Central Florida Commuter Rail intermodal facilities	951,786
FL	E-2006-BUSP-258	453	Central Florida Commuter Rail Intermodal Facilities	683,100
FL	E-2006-BUSP-262	508	Collier County Transit-Transit Facility	226,710
FL	E-2006-BUSP-263	23	Construct intermodal transportation & parking facility, City of Winter Park, Florida	95,179
FL	E-2006-BUSP-264	----------	Flagler County Buses and Bus Facilities, FL	297,000
FL	E-2006-BUSP-265	80	Flagler County, Florida-bus facility	114,214
FL	E-2006-BUSP-266	527	Florida Department of Transportation-Palm Beach County Replacement Buses	226,710
FL	E-2006-BUSP-267	344	Gainesville, FL Bus Facility Expansion	761,429
FL	E-2006-BUSP-270	538	Hillsborough Area Regional Transit-Bus Rapid Transit Improvements	453,420
FL	E-2006-BUSP-271	539	Hillsborough, FL, Hillsborough Area regional Transit Authority	990,000
FL	E-2006-BUSP-272	----------	Homestead East-West Bus Connector, FL	495,000
FL	E-2006-BUSP-273	----------	Intermodal Terminal Center, Jacksonville, FL	990,000
FL	E-2006-BUSP-274	----------	Jacksonville Transportation Authority Bus and Bus Facilities, FL	336,600
FL	E-2006-BUSP-279	----------	JARC Hartline, Hillsborough County, FL	247,500
FL	E-2006-BUSP-280	----------	Key West Buses and Bus Facilities, FL	495,000
FL	E-2006-BUSP-281	----------	Lakeland Area Citrus Connection Transit Systems	247,500
FL	E-2006-BUSP-282	558	Lakeland Area Mass Transit District/Citrus Connection-Capital Funding Needs	453,420
FL	E-2006-BUSP-284	103	Longwood, Florida-Construct Intermodal Transportation Facility	95,179
FL	E-2006-BUSP-285	308	Miami Dade, FL N.W. 7th Avenue Transit Hub	571,072
FL	E-2006-BUSP-289	580	Miami-Dade Transit 7th Avenue NW Transit Hub	226,710
FL	E-2006-BUSP-291	----------	Miramar Town Center Transit Hub, Miramar, Florida	495,000
FL	E-2006-BUSP-296	125	Palm Beach County, FL Plan and Construct Belle Glade Combined Passenger Transit Facility	666,250
FL	E-2006-BUSP-297	367	Palm Beach, FL 20 New Buses for Palm Tran	285,536
FL	E-2006-BUSP-298	248	Palm Beach, FL Palm Tran AVL-APC system with smart card fare boxes	47,589
FL	E-2006-BUSP-299	----------	Palm Tran, Palm Beach County, FL	247,500
FL	E-2006-BUSP-303	600	Pinellas County Metropolitan Planning Organization-Pinellas Mobility Initiative: BRT and Guide way	226,710
FL	E-2006-BUSP-304	415	Purchase Buses and construct bus facilities in Broward County, FL	428,304
FL	E-2006-BUSP-305	420	Purchase Buses and construct bus facilities in Broward County, FL	380,714
FL	E-2006-BUSP-307	----------	Putnam County, FL Ride Solutions Buses	742,500
FL	E-2006-BUSP-309	623	South Florida Regional Transportation Authority-West Palm Beach Intermodal Facility	453,420
FL	E-2006-BUSP-311	----------	Space Coast Area Transit Bus Terminal, FL	198,000
FL	E-2006-BUSP-313	31	St. Augustine, Florida-Intermodal Transportation Center and related pedestrian and landscape improvements	190,357
FL	E-2006-BUSP-317	402	Tampa, FL Establish Transit Emphasis Corridor Project	142,768
FL	E-2006-BUSP-318	148	Tampa, FL Purchase buses and construct bus facilities	428,304
FL	E-2006-BUSP-320	----------	Trolley Shelter, West Palm Beach, Florida	247,500

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
GA	E-2006-BUSP-324	355	Albany, GA Bus replacement	57,107	
GA	E-2006-BUSP-325	255	Albany, GA Multimodal Facility	152,286	
GA	E-2006-BUSP-326	357	Athens, GA Buses and Bus Facilities	270,308	
GA	E-2006-BUSP-327	247	Atlanta, GA Inter-modal Passenger Facility Improvements	380,714	
GA	E-2006-BUSP-330	144	Augusta, GA Buses and Bus Facilities	76,143	
GA	E-2006-BUSP-331	----------	Buses and Bus Facilities, GA	495,000	
GA	E-2006-BUSP-332	----------	Chatham Area Transit Authority bus and facility, GA	495,000	
GA	E-2006-BUSP-333	----------	City of Moultrie, Georgia, Intermodal Facility	495,000	
GA	E-2006-BUSP-335	91	Columbus, GA Bus replacement	57,107	
GA	E-2006-BUSP-336	510	Columbus, Georgia/Phoenix City, Alabama-National Infantry Museum Multimodal Facility	385,110	
GA	E-2006-BUSP-337	49	Columbus, Georgia-Buses & Bus Facilities	184,456	
GA	E-2006-BUSP-338	530	Georgia Department of Transportation-Georgia Statewide Bus and Bus Facilities	2,041,380	
GA	E-2006-BUSP-339	----------	Georgia GRTA Xpress Implementation Buses	2,227,500	d/
GA	E-2006-BUSP-340	60	Georgia Statewide Bus Program	38,071	
GA	E-2006-BUSP-346	406	Moultrie, GA Inter-modal facility	57,107	
GA	E-2006-BUSP-347	----------	Purchase Transit Buses for Macon Transit Authority, Georgia	495,000	
GA	E-2006-BUSP-348	329	Quitman, Clay, Randolph, Stewart Co., GA Bus project	47,589	
GA	E-2006-BUSP-349	256	Savannah, GA Bus and Bus Facilities-Chatham Area Transit	951,786	
GA	E-2006-BUSP-350	348	Savannah, Georgia-Water Ferry River walk intermodal facilities	380,714	
GA	E-2006-BUSP-352	206	Sylvester, GA Inter-modal Facility	38,071	
GA	E-2006-BUSP-353	298	Thomasville, GA Bus Replacement	38,071	
GU	E-2006-BUSP-354	----------	MTA transit vehicles for disabled persons, Guam	297,000	
HI	E-2006-BUSP-355	----------	Honolulu Bus and Bus Facilities, HI	2,800,000	
HI	E-2006-BUSP-356	540	Honolulu, HI, Bus Facilities	1,336,500	
IA	E-2006-BUSP-360	475	Black Hawk County, IA UNI Multimodal Project	680,130	
IA	E-2006-BUSP-361	----------	City of Coralville Intermodal Facility, IA	569,250	
IA	E-2006-BUSP-365	----------	Johnson County SEATS Para-Transit Facility Program, IA	99,000	
IA	E-2006-BUSP-367	----------	UNI Multimodal Project, Cedar Falls, Iowa	1,559,250	
IA	E-2006-BUSP-368	----------	University of Northern Iowa Multi	247,500	
ID	E-2006-BUSP-369	176	Boise, ID-Multimodal facility	456,607	
ID	E-2006-BUSP-372	----------	Idaho Transit Coalition Bus Capital Investment	1,202,665	
ID	E-2006-BUSP-373	----------	Idaho Transit Coalition Buses and Bus Facilities	287,559	
ID	E-2006-BUSP-374	652	Valley Regional Transit, ID-Downtown Boise Multimodal	1,315,710	
IL	E-2006-BUSP-378	433	Centralia, Illinois-South Central Mass Transit District Improvements	76,143	
IL	E-2006-BUSP-379	226	Champaign, IL-Construct park and ride lot with attached daycare facility	285,536	
IL	E-2006-BUSP-382	491	Chicago, IL, Cermak Road, Bus Rapid Transit	198,000	
IL	E-2006-BUSP-387	----------	IL Statewide buses and facilities	2,566,820	
IL	E-2006-BUSP-129	186	Mattoon, Illinois – historic railroad depot restoration/intermodal center	304,572	e/
IL	E-2006-BUSP-389	250	Maywood, IL Purchase buses	9,518	
IL	E-2006-BUSP-392	----------	PACE Bus Service to the College of DuPage, Glen Ellyn, IL	198,000	
IL	E-2006-BUSP-398	632	Springfield, IL, Multimodal Transit Terminal	492,000	
IL	E-2006-BUSP-399	259	St. Charles, IL-Intermodal Parking Structures	856,607	
IL	E-2006-BUSP-402	135	Wheaton, IL Pace Suburban Bus-Purchase buses	190,357	
IN	E-2006-BUSP-404	109	Bloomington, IN-Bus and transfer facility	915,618	
IN	E-2006-BUSP-405	----------	Bloomington, Indiana University Campus Bus System, IN	594,000	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
IN	E-2006-BUSP-408	----------	City of Anderson Intermodal Center Project, IN	123,750	
IN	E-2006-BUSP-411	544	Indianapolis Downtown Transit Center	792,000	
IN	E-2006-BUSP-412	235	Indianapolis, IN Construct the Ivy Tech State College Multi-Modal Facility	951,786	
IN	E-2006-BUSP-413	5	Indianapolis, IN Downtown Transit Center	2,665,001	
IN	E-2006-BUSP-414	220	Indianapolis, IN IndySMART program to relieve congestion, improve safety and air quality	380,714	
IN	E-2006-BUSP-415	378	Indianapolis, IN Relocate and improve inter-modal transportation for pedestrian to Children's Museum of Indianapolis	285,001	
IN	E-2006-BUSP-416	417	Indianapolis, Indiana-Children's Museum Intermodal Center	190,357	
IN	E-2006-BUSP-417	----------	Ivy Tech Multi-Modal Facility, Indianapolis, IN	297,000	
IN	E-2006-BUSP-418	----------	Ivy Tech State College Multi-Modal Facility, IN	173,250	
IN	E-2006-BUSP-419	546	Ivy Tech State College, Indiana Multimodal Center	148,500	
IN	E-2006-BUSP-421	----------	Lake County Bus Systems, IN	148,500	
KS	E-2006-BUSP-432	----------	Kansas Statewide Bus and Bus Facilities, KS	693,000	
KS	E-2006-BUSP-433	----------	Wichita Transit Authority, KS	792,000	
KS	E-2006-BUSP-434	----------	Wyandotte County Unified Government Transit, KS	495,000	
KY	E-2006-BUSP-437	----------	Harlan County Transit Center, KY	495,000	
KY	E-2006-BUSP-439	----------	Lincoln County Senior Citizen Bus, Kentucky	54,000	f/
KY	E-2006-BUSP-443	----------	Southern and Eastern Key Bus and Bus Facilities	495,000	
LA	E-2006-BUSP-446	----------	Bus Terminal and Support Facility, Lake Charles, LA	990,000	
LA	E-2006-BUSP-447	484	Capital Area Transit System-Baton Rouge BRT	680,130	
LA	E-2006-BUSP-451	----------	LA Statewide buses and facilities	461,184	
LA	E-2006-BUSP-459	----------	New Orleans Union Passenger Terminal Rehab, Louisiana	990,000	
LA	E-2006-BUSP-460	55	New Orleans, LA Inter-modal Riverfront Center	95,179	
LA	E-2006-BUSP-462	243	New Orleans, LA Regional Planning Commission, bus and bus facilities	95,179	
LA	E-2006-BUSP-463	310	River Parishes, LA South Central Planning and Development Commission, bus and bus facilities	190,357	
LA	E-2006-BUSP-464	606	River Parishes, Louisiana, South Central Planning and Development Commission, bus and bus facilities	158,400	
LA	E-2006-BUSP-465	----------	RiverSphere Multimodal Facility, Louisiana	198,000	
LA	E-2006-BUSP-466	277	Shreveport, LA-intermodal Transit Facility	637,697	
LA	E-2006-BUSP-468	283	St. Bernard Parish, LA Intermodal facility improvements	190,357	
MA	E-2006-BUSP-471	472	Berkshire, MA, Berkshire Regional Transit Authority Bus Maintenance Facility	49,500	
MA	E-2006-BUSP-472	59	Beverly, MA Design and Construct Beverly Deport Intermodal Transportation Center	380,714	
MA	E-2006-BUSP-477	330	Framingham, MA Local Intra-Framingham Transit System enhancements	342,643	
MA	E-2006-BUSP-480	124	Haverhill, MA Design and Construct Inter-modal Transit Parking Improvements	1,066,000	
MA	E-2006-BUSP-481	21	Hingham, MA Higham Marine Intermodal Center Improvements: Enhance public transportation infrastructure/parking	933,215	
MA	E-2006-BUSP-483	----------	Intermodal Station Improvements, Salem and Beverly, MA	1,188,000	
MA	E-2006-BUSP-484	563	Lawrence, MA, Gateway Intermodal and Quadant Area Reuse Project	594,000	
MA	E-2006-BUSP-490	42	Medford, MA Downtown revitalization featuring construction of a 200 space Park and Ride Facility	380,714	
MA	E-2006-BUSP-491	257	Newburyport, MA Design and Construct Intermodal Facility	380,714	
MA	E-2006-BUSP-493	----------	Public Transit for STCC College Students, Massachusetts	381,000	
MA	E-2006-BUSP-494	139	Quincy, MA MBTA Purchase high speed catamaran ferry for Quincy Harbor Express Service	380,714	
MA	E-2006-BUSP-495	----------	Rapid Transit Handicap Accessibility, Newton, Massachusetts	1,188,000	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
MA	E-2006-BUSP-496	161	Revere, MA Inter-modal transit improvements in the Wonderland station (MBTA) area	342,643	
MA	E-2006-BUSP-497	88	Rockport, MA Rockport Commuter Rail Station Improvements	523,482	
MA	E-2006-BUSP-498	370	Salem, MA Design and Construct Salem Intermodal Transportation Center	380,714	
MA	E-2006-BUSP-499	205	Woburn, MA Construction of an 89 space park and ride facility to be located on Magazine Hill, in the Heart of Woburn Square	342,643	
MD	E-2006-BUSP-500	122	Baltimore, MD Construct Intercity Bus Intermodal Terminal	951,786	
MD	E-2006-BUSP-502	303	Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	951,786	
MD	E-2006-BUSP-503	542	Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	247,500	
MD	E-2006-BUSP-504	571	MARC Intermodal Odenton and Edgewood Station Improvements	364,320	
MD	E-2006-BUSP-505	573	Maryland Statewide Bus Facilities and Buses	5,445,000	
MD	E-2006-BUSP-506	----------	Maryland Statewide Bus Program	495,000	
MD	E-2006-BUSP-507	224	Montgomery County, MD Wheaton CBD Intermodal Access Program	95,179	
MD	E-2006-BUSP-508	214	Mount Rainier, MD Intermodal and Pedestrian Project	85,661	
ME	E-2006-BUSP-514	19	Bar Harbor, ME Purchase new buses to enhance commuting near the Jackson Labs	57,107	
ME	E-2006-BUSP-515	483	Campobello Park, ME, Bus Acquisition	21,780	
ME	E-2006-BUSP-516	----------	Intermodal Facility, Augusta, ME	693,000	
MI	E-2006-BUSP-518	----------	1st District Bus Replacement and Facilities, MI	396,001	
MI	E-2006-BUSP-1109	----------	The Rapid	1,287,000	h/
MI	E-2006-BUSP-530	----------	Clare County Transit Administration Facility, MI	455,400	
MI	E-2006-BUSP-547	----------	Harbor Transit, MI	399,960	
MI	E-2006-BUSP-559	293	Muskegon, Michigan-Muskegon Area Transit Terminal and related improvements	380,714	
MI	E2006-BUSP-1119	----------	Jackson Transportation Authority New and Replacement Vehicles	$495,000	i/
MN	E-2006-BUSP-568	----------	Cedar Avenue Bus Rapid Transit, Dakota County, MN	742,500	
MN	E-2006-BUSP-569	----------	City of Northfield, MN Transit Station	277,200	
MN	E-2006-BUSP-573	----------	Greater Minnesota Transit Capitol—5309 Buses and Bus Facilities, Rock County	495,000	
MN	E-2006-BUSP-574	----------	I–35W BRT 46th Street Station, Minneapolis, MN	990,000	
MN	E-2006-BUSP-575	577	Metro Transit/Metropolitan Council, MN-Bus/Bus Capital	2,154,240	
MN	E-2006-BUSP-576	----------	Minnesota Transit Cap.—5309 Buses and Bus Facilities—St. Peter	247,500	
MN	E-2006-BUSP-577	----------	Northwest Busway, Minneapolis, Minnesota	990,000	
MN	E-2006-BUSP-579	342	St. Paul, MN Union Depot Multi Modal Transit Facility	380,714	
MN	E-2006-BUSP-580	----------	The UEL Bus Stop, University of Minnesota Twin Cities Transitway, MN	49,500	
MO	E-2006-BUSP-587	----------	Intermodal Transfer Facility at Duncan and Boyle, MO	693,000	
MO	E-2006-BUSP-593	598	OATS, Incorporated, MO-ITS Information and Billing System and Bus Facilities	3,855,060	
MO	E-2006-BUSP-595	----------	South East Missouri Transportation Service, Missouri	635,580	
MO	E-2006-BUSP-596	624	Southeast Missouri Transportation Service-Bus Project	453,420	
MS	E-2006-BUSP-598	130	Coahoma County, Mississippi Purchase buses for the Aaron E. Henry Community Health Services Center, Inc./DARTS transit service	28,554	
MS	E-2006-BUSP-599	----------	Handicap Buses Desoto County, MS	148,500	
MS	E-2006-BUSP-600	----------	Inter-city Transit Companies, Meridian, MS	198,000	
MS	E-2006-BUSP-601	547	Jackson State University, MS-Busing Project	1,133,550	
MS	E-2006-BUSP-602	----------	JATRAN bus replacement, MS	544,500	
MT	E-2006-BUSP-603	----------	Billings Public Bus and Transfer, MT	1,237,500	
MT	E-2006-BUSP-606	----------	Helena Transit Facility, MT	247,500	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
MT	E-2006-BUSP-608	----------	Lewistown Bus Facility, Montana	297,000
MT	E-2006-BUSP-611	----------	Pablo Bus Facility, Montana	198,000
MT	E-2006-BUSP-612	----------	Pablo Buses, Montana	148,500
MT	E-2006-BUSP-613	----------	Poplar Transit Facility Renovation, Montana	79,200
MT	E-2006-BUSP-614	----------	Public Bus Transfer and Parking Facility, MT	1,237,500
MT	E-2006-BUSP-615	----------	University of Montana bus maintenance facility	247,500
NC	E-2006-BUSP-620	154	City of Greenville, NC Expansion Buses and Greenville Intermodal Center	678,433
NC	E-2006-BUSP-622	302	Greensboro, North Carolina-Piedmont Authority for Regional Transportation Multimodal Transportation Center	2,383,273
NC	E-2006-BUSP-627	594	North Carolina Department of Transportation-North Carolina Statewide Bus and Bus Facilities	82,670
NC	E-2006-BUSP-629	----------	Statewide Bus and Bus Facilities, NC	43,600
NC	E-2006-BUSP-633	57	Wilmington, NC Build Intermodal Center	190,357
NC	E-2006-BUSP-634	----------	Winston-Salem Union Station Intermodal Facility, NC	247,500
ND	E-2006-BUSP-635	595	North Dakota Department of Transportation/Statewide Bus	478,000
ND	E-2006-BUSP-636	----------	North Dakota Statewide Transit	1,237,500
NE	E-2006-BUSP-637	505	City of Omaha-Creighton University Intermodal Facility	680,130
NE	E-2006-BUSP-638	160	Kearney, Nebraska-RYDE Transit Bus Maintenance and Storage Facility	380,714
NE	E-2006-BUSP-639	586	Nebraska Department of Roads-Bus Maintenance and Storage Facility for RYDE in Kearney, NE	453,420
NE	E-2006-BUSP-641	240	Nebraska-statewide transit vehicles, facilities, and related equipment	423,269
NE	E-2006-BUSP-642	599	Omaha, NE, Buses and Fare boxes	603,900
NH	E-2006-BUSP-644	418	Windham, New Hampshire--Construction of Park and Ride Bus facility at Exit 3	704,322
NJ	E-2006-BUSP-645	----------	Atlantic City Regional Medical Center Bus Project, NJ	247,500
NJ	E-2006-BUSP-646	468	Atlantic City, NJ Jitney	742,500
NJ	E-2006-BUSP-647	----------	Bergen Intermodal Stations and Park N'Rides, NJ	1,980,000
NJ	E-2006-BUSP-649	86	Burlington County, NJ-BurLink and Burlington County Transportation System vehicles and equipment	761,429
NJ	E-2006-BUSP-651	----------	Central NJ Intermodal Stations and Park & Rides	495,000
NJ	E-2006-BUSP-652	12	Hoboken, NJ Rehabilitation of Hoboken Inter-modal Terminal	723,357
NJ	E-2006-BUSP-653	102	Jersey City, NJ Construct West Entrance to Pavonia-Newport PATH Station	380,714
NJ	E-2006-BUSP-655	389	Lakewood, NJ-Ocean County Bus service and parking facilities	571,072
NJ	E-2006-BUSP-656	138	Long Branch, NJ Design and construct facilities for ferry service from Long Branch, NJ to New York City and other destinations	761,429
NJ	E-2006-BUSP-657	38	Monmouth County, NJ Construction of main bus facility for Freehold Township, including a terminal and repair shop	380,714
NJ	E-2006-BUSP-658	----------	Morristown Intermodal Historic Station, NJ	2,970,000
NJ	E-2006-BUSP-659	209	Morristown, New Jersey-Intermodal Historic Station	190,357
NJ	E-2006-BUSP-660	46	National Park Service Design and construct 2.1-mile segment to complete Sandy Hook multiuse pathway in Sandy Hook, NJ	190,357
NJ	E-2006-BUSP-661	340	New Jersey Inter-modal Facilities and Bus Rolling Stock	571,072
NJ	E-2006-BUSP-662	328	New Jersey Transit Community Shuttle Buses	95,179
NJ	E-2006-BUSP-663	----------	Newark Penn Station Intermodal Improvements, New Jersey	990,000
NJ	E-2006-BUSP-664	13	Newark, NJ Penn Station Intermodal Improvements including the rehabilitation of boarding areas	190,357
NJ	E-2006-BUSP-665	----------	NJ Transit Jitney Bus Replacement, Atlantic City	247,500
NJ	E-2006-BUSP-668	----------	Saint Peter's McGrinley Square Intermodal Facility, New Jersey	792,000
NJ	E-2006-BUSP-669	29	Sandy Hook, NJ National Park Service Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area	190,357

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
NJ	E-2006-BUSP-671	618	South Brunswick, NJ Transit System	990,000	
NJ	E-2006-BUSP-676	----------	Valley Hospital Bus Transportation, NJ	74,250	
NM	E-2006-BUSP-681	562	Las Cruces, NM, Road Runner Bus and Bus Facilities	198,000	
NM	E-2006-BUSP-682	----------	Northern New Mexico Park and Ride	445,500	
NV	E-2006-BUSP-685	----------	Boulder Highway Max Bus Rapid Transit System, NV	445,500	
NV	E-2006-BUSP-686	405	Las Vegas, NV Construct Boulder Highway BRT system and purchase vehicles and related equipment	380,714	
NV	E-2006-BUSP-687	199	Las Vegas, NV Construct Central City Inter-modal Transportation Terminal	1,142,143	
NV	E-2006-BUSP-688	371	Las Vegas, NV Construct Las Vegas West Care Intermodal Facility	47,589	
NV	E-2006-BUSP-689	----------	Nevada Statewide Bus and Bus Facilities, NV	2,970,000	
NV	E-2006-BUSP-690	603	Regional Transportation Commission of Southern Nevada-Central City Intermodal Transportation Terminal	906,840	
NV	E-2006-BUSP-693	----------	RTC Transit Maintenance Facility, NV	495,000	
NV	E-2006-BUSP-694	630	Southern Nevada Transit Coalition, Public Transit Building Acquisition	297,000	
NY	E-2006-BUSP-696	74	Albany-Schenectady, NY Bus Rapid Transit Improvements in NY Route 5. Corridor	57	
NY	E-2006-BUSP-698	----------	Automated Light study along Route 59, NY	99,000	
NY	E-2006-BUSP-700	271	Bronx, NY Botanical Garden metro North Rail station Intermodal Facility	190,357	
	E-2006-BUSP-703	166	Bronx, NY Hebrew Home for the Aged elderly and disabled transportation support	35,693	
NY	E-2006-BUSP-704	338	Bronx, NY Intermodal Facility near Exit 6. of the Bronx River Parkway	47,589	
NY	E-2006-BUSP-705	234	Bronx, NY Jacobi Intermodal Center to North Central Bronx Hospital bus system	59,487	
NY	E-2006-BUSP-706	10	Bronx, NY Wildlife Conservation Society intermodal transportation facility at the Bronx Zoo	83,282	
NY	E-2006-BUSP-707	197	Brooklyn, NY Construct a multi-modal transportation facility	266,500	
NY	E-2006-BUSP-708	408	Brooklyn, NY Construct a multi-modal transportation facility in the vicinity of Downstate Medical Center	190,357	
NY	E-2006-BUSP-709	41	Brooklyn, NY New Urban Center-Broadway Junction Intermodal Center	182,743	
NY	E-2006-BUSP-710	56	Brooklyn, NY-Rehabilitation of Bay Ridge 86th Street Subway Station	761,429	
NY	E-2006-BUSP-711	419	Brooklyn, NY--Rehabilitation of Bay Ridge 86th Street Subway Station	761,429	
NY	E-2006-BUSP-712	192	Buffalo, NY Inter-modal Center Parking Facility	190,357	
NY	E-2006-BUSP-1111	----------	White Plains for bus and bus facilities	198,000	j/
NY	E-2006-BUSP-1112	----------	Rockland County, NY, mini-buses for service in Clarkstown, NY	99,000	j/
NY	E-2006-BUSP-715	245	Bus to provide York-town, New York internal circulator to provide transportation throughout the Town	35,216	
NY	E-2006-BUSP-716	----------	Central New York Regional Transportation Authority	1,485,000	
NY	E-2006-BUSP-717	230	Construction of Third Bus Depot on Staten Island	2,284,286	
NY	E-2006-BUSP-718	146	Cooperstown, New York-Intermodal Transit Center	951,786	
NY	E-2006-BUSP-719	363	Corning, New York-Transportation Center	505,386	
NY	E-2006-BUSP-720	512	Corning, NY, Phase II Corning Preserve Transportation Enhancement Project	346,500	
NY	E-2006-BUSP-721	284	Cornwall, NY-Purchase Bus	16,561	
NY	E-2006-BUSP-722	----------	Electric, Next-Generation Transit Buses, Broome County Transit, NY	300	
NY	E-2006-BUSP-723	300	Geneva, New York-Multimodal facility-Construct passenger rail center	95,179	
NY	E-2006-BUSP-724	----------	Intermodal transportation facility, Huntington Hospital, NY	495,000	
NY	E-2006-BUSP-725	317	Jamestown, NY Rehabilitation of Intermodal Facility and associated property	380,714	
NY	E-2006-BUSP-726	343	Kings County, NY Construct a multi-modal transportation facility	190,357	
NY	E-2006-BUSP-728	----------	Nassau County Hub and Centre, NY	990,000	
NY	E-2006-BUSP-730	368	Nassau County, NY Conduct planning and engineering for transportation system (HUB)	1,332,500	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
NY	E-2006-BUSP-731	585	Nassau County, NY, Conduct planning, engineering, and construction for transportation system (HUB)	990,000	
NY	E-2006-BUSP-732	25	New York City, NY First Phase Implementation of Bus Rapid Transit System	190,357	
NY	E-2006-BUSP-733	376	New York City, NY Purchase Handicapped-Accessible Livery Vehicles	1	
NY	E-2006-BUSP-734	590	New York City, NY, Bronx Zoo Intermodal Facility	346,500	
NY	E-2006-BUSP-736	592	New York City, NY, Highline Project, for Studies, Design, and Construction	990,000	
NY	E-2006-BUSP-739	77	Niagara Falls, NY Relocation, Development, and Enhancement of Niagara Falls International Railway Station/Intermodal Transportation Center	1,066,000	
NY	E-2006-BUSP-743	322	Oneonta, New York-bus replacement	28,554	
NY	E-2006-BUSP-744	379	Ramapo, NY Transportation Safety Field Bus	47,589	
NY	E-2006-BUSP-745	----------	Renaissance Square, NY	4,950,000	
NY	E-2006-BUSP-747	252	Rochester, New York-Renaissance Square transit center	856,607	
NY	E-2006-BUSP-748	430	Rochester, New York-Renaissance Square Transit Center	428,304	
NY	E-2006-BUSP-749	607	Rochester, NY, Renaissance Square Intermodal Facility, Design and Construction	990,000	
NY	E-2006-BUSP-750	609	Rockland County, NY Express Bus	594,000	
NY	E-2006-BUSP-751	----------	Seniors Transportation, Inc. Buses and Bus Facilities, New York	99,000	
NY	E-2006-BUSP-753	----------	Suffolk County Buses and Bus Facilities, New York	396,000	
NY	E-2006-BUSP-754	386	Suffolk County, NY Design and construction of intermodal transit facility in Wyandanch	875,643	
NY	E-2006-BUSP-755	353	Suffolk County, NY Purchase four handicapped accessible vans to transport veterans to and from the VA facility in Northport	53,300	
NY	E-2006-BUSP-756	635	Syracuse, New York, Syracuse University Connective Corridor Transit Project	792,000	
NY	E-2006-BUSP-757	261	Thendra-Webb and Utica, New York-Install handicap lifts in intermodal centers	19,036	
NY	E-2006-BUSP-758	----------	Third Bus Depot on Staten Island, NY—South Shore	1,980,000	
NY	E-2006-BUSP-759	289	Town of Warwick, NY Bus Facility Warwick Transit System	104,696	
NY	E-2006-BUSP-760	451	Utica, New York Transit Multimodal Facilities	1,138,500	
NY	E-2006-BUSP-761	78	Utica, New York-Union Station Boehlert Center siding track improvements	19,036	
NY	E-2006-BUSP-762	182	Utica, New York-Union Station rehabilitation and related infrastructure improvements	95,179	
NY	E-2006-BUSP-763	----------	Westchester County Bee-Line Bus Replacement, New York	247,500	
NY	E-2006-BUSP-764	264	Westchester County, NY Bus replacement program	713,840	
NY	E-2006-BUSP-765	149	Yonkers, NY Trolley Bus Acquisition	71,384	
NY	E2006-BUSP-1118	----------	Brooklyn, NY - Renovation of Bus and Subway Station Parkside Avenue and Ocean Avenue Stop	693,000	k/
OH	E-2006-BUSP-769	----------	Central Ohio Transit Authority Paratransit Facility	1,485,000	
OH	E-2006-BUSP-770	489	Central Ohio Transit Authority-Paratransit and Small Bus Service Facility	453,420	
OH	E-2006-BUSP-771	241	Cincinnati, Ohio-Construct Uptown Crossings Joint Development Transit Project	571,072	
OH	E-2006-BUSP-772	89	Cincinnati, Ohio-Metro Regional Transit Hub Network Eastern Neighborhoods	176,080	
OH	E-2006-BUSP-775	179	Cleveland, OH Construct passenger inter-modal center near Dock 32	163,707	
OH	E-2006-BUSP-776	411	Cleveland, OH Construction of an inter-modal facility and related improvements at University Hospitals facility on Euclid Avenue	190,357	
OH	E-2006-BUSP-778	258	Cleveland, Ohio-Euclid Avenue and East 93rd Street intermodal facility	1,618,036	
OH	E-2006-BUSP-779	198	Cleveland, Ohio-Euclid Avenue University Hospital intermodal facility	856,607	
OH	E-2006-BUSP-782	7	Columbus, Ohio-Central Ohio Transit Authority Paratransit Facility	532,478	
OH	E-2006-BUSP-783	292	Cuyahoga County, Ohio-Ohio Department of Transportation transit improvements	28,554	
OH	E-2006-BUSP-784	120	Dayton Airport Inter-modal Rail Feasibility Study	142,768	
OH	E-2006-BUSP-785	516	Dayton-Wright Stop Plaza	453,420	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
OH	E-2006-BUSP-789	349	Kent, OH Construct Kent State University Intermodal Facility serving students and the general public	190,357
OH	E-2006-BUSP-790	104	Marietta, Ohio Construction of transportation hub to accommodate regional bus traffic	95,179
OH	E-2006-BUSP-792	87	Niles, OH Acquisition of bus operational and service equipment of Niles Trumbull Transit	38,071
OH	E-2006-BUSP-793	----------	Ohio Statewide Buses and Bus Facilities	1,427,755
OH	E-2006-BUSP-795	385	Springfield, OH-City of Springfield Bus Transfer Station and Associated Parking	47,589
OH	E-2006-BUSP-796	----------	Tech Town Transportation Center, OH	742,500
OH	E-2006-BUSP-797	34	Toledo, OH TARTA/TARPS Passenger Inter-modal Facility construction	1,427,679
OH	E-2006-BUSP-798	----------	Uptown Crossings Joint Development Transit Project, Cincinnati, OH	990,000
OH	E-2006-BUSP-799	64	Zanesville, OH-bus system signage and shelters	15,467
OK	E-2006-BUSP-800	----------	Enhance Oklahoma Transit Association Public System	495,000
OR	E-2006-BUSP-802	442	Albany, OR North Albany Park and Ride	181,293
OR	E-2006-BUSP-803	165	Albany, OR Rehabilitate Building At Multimodal Transit Station	290,068
OR	E-2006-BUSP-805	66	Canby, OR bus and bus facilities	28,554
OR	E-2006-BUSP-806	187	Columbia County, OR To purchase buses	26,650
OR	E-2006-BUSP-809	325	Grants Pass, OR Purchase Vehicles For Use By Josephine Community Transit	38,752
OR	E-2006-BUSP-810	99	Gresham, Oregon Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood	266,500
OR	E-2006-BUSP-812	323	Lincoln, County, OR bus purchase	47,589
OR	E-2006-BUSP-813	175	Molalla, OR South Clackamas Transportation District, bus purchase	19,036
OR	E-2006-BUSP-814	----------	Park and Ride Facility, Ashland, OR	247,500
OR	E-2006-BUSP-815	16	Portland, OR Renovation of Union Station, including structural reinforcement and public safety upgrades	19,036
OR	E-2006-BUSP-820	180	Tillamook, OR construction of a transit facility	19,036
OR	E-2006-BUSP-821	216	Wilsonville, OR South Metro Area Rapid Transit, bus and bus facilities	47,589
OR	E-2006-BUSP-822	82	Yamhill County, OR For the construction of bus shelters, park and ride facilities, and a signage strategy to increase ridership	20,939
PA	E-2006-BUSP-823	----------	Adams Co. Transit Authority purchase of buses, PA	495,000
PA	E-2006-BUSP-825	456	Altoona Multimodal Transportation Facility Parking Garage	227,700
PA	E-2006-BUSP-827	----------	Area Transit Authority, PA	990,000
PA	E-2006-BUSP-832	----------	Bucks County Intermodal Facility, PA	495,000
PA	E-2006-BUSP-835	481	Butler Township, PA-Cranbury Area Transit Service	793,980
PA	E-2006-BUSP-839	----------	Capital Area Transit (CAT), PA	742,500
PA	E-2006-BUSP-843	----------	Church Street Transportation Center, PA	222,750
PA	E-2006-BUSP-845	----------	Coatesville Train Station, Coatesville, PA	990,000
PA	E-2006-BUSP-847	----------	County of Lebanon Transit (COLT), PA	297,000
PA	E-2006-BUSP-848	----------	Crawford Intermodal Transportation Facility, PA	80,000
PA	E-2006-BUSP-849	514	Cumberland-Dauphin-Harrisburg Transit Authority-Purchase of Buses and Spare Units	226,710
PA	E-2006-BUSP-850	----------	Easton Intermodal, PA	396,000
PA	E-2006-BUSP-851	81	Easton, Pennsylvania-Design and construct Intermodal Transportation Center	380,714
PA	E-2006-BUSP-856	----------	Gettysburg Bus and Bus Facilities, PA	247,500
PA	E-2006-BUSP-857	331	Gettysburg, Pennsylvania-transit transfer center	171,131
PA	E-2006-BUSP-859	458	Hershey, Pennsylvania Intermodal Center and Parking Garage	56,925
PA	E-2006-BUSP-860	233	Intermodal Facilities in Bucks County (Croydon and Levittown Stations)	571,072
PA	E-2006-BUSP-866	----------	Mid Mon Valley Transit Authority, Pennsylvania	987,214

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
PA	E-2006-BUSP-867	583	Monroe Township, PA-Clarion County Buses	149,490
PA	E-2006-BUSP-868	----------	Monroe Township/Clarion University Transit	653,400
PA	E-2006-BUSP-870	588	New Castle, PA Area Transit Authority-Bus Purchases/Park and Ride Facility	168,300
PA	E-2006-BUSP-872	----------	Paoli Transportation Center	1,980,000
PA	E-2006-BUSP-873	201	Philadelphia, PA Cruise Terminal Transportation Ctr. Phila. Naval Shipyard	666,250
PA	E-2006-BUSP-874	137	Philadelphia, PA Improvements to the existing Penn's Landing Ferry Terminal	761,429
PA	E-2006-BUSP-875	413	Philadelphia, PA Penn's Landing water shuttle parking lot expansion and water shuttle ramp infrastructure construction	209,393
PA	E-2006-BUSP-876	22	Philadelphia, PA Philadelphia Zoo Intermodal Transportation project w/parking consolidation, pedestrian walkways, public transportation complements & landscape improvements to surface parking lots	951,786
PA	E-2006-BUSP-877	274	Philadelphia, PA SEPTA's Market St. Elevated Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridor	266,500
PA	E-2006-BUSP-878	316	Philadelphia, Pennsylvania-SEPTA Market Street Elevated Line parking facility	761,429
PA	E-2006-BUSP-879	126	Pittsburgh, PA Clean Fuel Bus Procurement	95,179
PA	E-2006-BUSP-880	----------	Port Authority of Allegheny County Bus Acquisition, Pennsylvania	3,069,000
PA	E-2006-BUSP-881	397	Pottsville, PA Union Street Trade and Transfer Center Intermodal Facility	380,714
PA	E-2006-BUSP-882	48	Project provides for the engineering and construction of a transportation center in Paoli, Chester County	190,357
PA	E-2006-BUSP-884	424	Sharon, PA-Bus Facility Construction	95,179
PA	E-2006-BUSP-886	626	Southeastern Pennsylvania Transportation Authority-Bucks County Intermodal (Croydon and Levittown)	680,130
PA	E-2006-BUSP-887	627	Southeastern Pennsylvania Transportation Authority-Paoli Transportation Center	680,130
PA	E-2006-BUSP-890	----------	Union Station Intermodal Trade and Transit Center, Pennsylvania	1,237,500
PA	E-2006-BUSP-891	----------	Union/Snyder Transportation Authority Union County, PA	990,000
PA	E-2006-BUSP-896	----------	Williamsport Trade and Transit Centre Expansion, Pennsylvania	668,250
PA	E-2006-BUSP-897	662	Williamsport, PA Bureau of Transportation-Williamsport Trade and Transit Centre Expansion	680,130
PR	E-2006-BUSP-900	128	Bayamon, Puerto Rico-bus terminal	114,214
PR	E-2006-BUSP-901	421	Bayamon, Puerto Rico-Purchase of Trolley Cars	161,804
PR	E-2006-BUSP-902	3	Lares, PR-Trolley buses-for the purchase of two trolley buses that will offer transportation through the urban zone in the Municipality of Lares	50,254
PR	E-2006-BUSP-903	164	Puerto Rico-Caribbean National Forest bus and bus facilities	571,072
PR	E-2006-BUSP-904	152	San Juan, Puerto Rico-bus security equipment	571,072
PR	E-2006-BUSP-905	71	San Juan, Puerto Rico-Buses	190,357
PR	E-2006-BUSP-906	58	Yabucoca, Puerto Rico-Trolley Buses	33,313
RI	E-2006-BUSP-907	246	Providence, RI Expansion of Elmwood Paratransit Maintenance Facility	951,786
RI	E-2006-BUSP-908	----------	Rhode Island Public Transit Authority Elmwood Avenue Maintenance Facility Improvements	1,227,600
RI	E-2006-BUSP-909	----------	Rhode Island Public Transit Authority Transit Security Improvements	198,000
RI	E-2006-BUSP-912	604	Rhode Island, RIPTA Elmwood Facility Expansion	1,584,000
SC	E-2006-BUSP-914	533	Greensville, SC Transit Authority-City of Greenville Multimodal Transportation Center Improvements	226,710
SC	E-2006-BUSP-915	619	South Carolina Department of Transportation-Transit Facilities Construction Program	453,420
SC	E-2006-BUSP-916	620	South Carolina Department of Transportation-Vehicle Acquisition Program	1,814,670
SC	E-2006-BUSP-917	----------	Vehicle Acquisition, SC	1,584,000
SD	E-2006-BUSP-919	621	South Dakota Department of Transportation-Statewide Buses and Bus Facilities	292,000
TN	E-2006-BUSP-922	----------	Knoxville Electric Transit Intermodal Center, TN	990,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
TN	E-2006-BUSP-923	237	Knoxville, Tennessee-Central Station Transit Center	1,941,643
TN	E-2006-BUSP-924	554	Knoxville, TN-Central Station	567,270
TN	E-2006-BUSP-925	565	Lipscomb University, TN-Intermodal Parking Garage	340,560
TN	E-2006-BUSP-926	----------	Memphis Airport Intermodal Facility, Tennessee	1,361,250
TN	E-2006-BUSP-928	268	Nashville, TN Construct a parking garage on the campus of Lipscomb University, Nashville	380,714
TN	E-2006-BUSP-930	30	Sevier County, Tennessee-U.S. 441 bus rapid transit	47,589
TN	E-2006-BUSP-931	----------	Southeast Tennessee Human Resource Agency	495,000
TN	E-2006-BUSP-932	----------	Tennessee Department of Transportation Buses and Bus Facilities	477,570
TN	E-2006-BUSP-933	636	Tennessee Department of Transportation-Statewide Tennessee Transit ITS and Bus Replacement Project	681,232
TN	E-2006-BUSP-934	----------	TN DOT Job Access Reverse Commute	495,000
TN	E-2006-BUSP-935	----------	TN Statewide Bus and Bus Facilities	3,585,423
TN	E-2006-BUSP-936	649	University of Memphis-Pedestrian Bridge	680,130
TN	E-2006-BUSP-937	----------	Upper Cumberland Human Resource Agency, Tennessee	346,500
TX	E-2006-BUSP-938	426	Abilene, TX Vehicle replacement and facility improvements for transit system	76,143
TX	E-2006-BUSP-939	----------	Brazos Transit District Bus Replacement, TX	123,750
TX	E-2006-BUSP-940	----------	Brazos Transit District, Capital Cost Contracting, TX	990,000
TX	E-2006-BUSP-946	----------	Bus/Vehicle Replacement, Lufkin, TX	297,000
TX	E-2006-BUSP-949	----------	Capital Metro Rapid Bus Project, TX	742,500
TX	E-2006-BUSP-951	455	Carrollton, Texas Downtown Regional Multimodal Transit Hub	227,700
TX	E-2006-BUSP-954	----------	City of Lubbock Citibus Improvement, TX	495,000
TX	E-2006-BUSP-957	----------	Compressed Natural Gas (CNG) Buses, TX	990,000
TX	E-2006-BUSP-958	111	Construct West Houston and Fort Bend County, Texas-bus transit corridor	380,714
TX	E-2006-BUSP-959	----------	Corpus Christi Bus and Bus Facilities, TX	79,200
TX	E-2006-BUSP-960	438	Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements	475,893
TX	E-2006-BUSP-964	----------	Enhancements to Bus Terminal in McAllen, TX	495,000
TX	E-2006-BUSP-965	----------	Fort Bend Co, TX, Park & Ride	495,000
TX	E-2006-BUSP-966	290	Galveston, Texas-Intermodal center and parking facility, The Strand	856,607
TX	E-2006-BUSP-967	536	Harris County-West Houston-Fort Bend Bus Transit Corridor: Uptown Westpark Terminal	226,710
TX	E-2006-BUSP-968	----------	Hill County Transit Administration Facility, TX	337,000
TX	E-2006-BUSP-969	----------	Houston METRO Bus Transit Centers, TX	2,009,700
TX	E-2006-BUSP-970	----------	Hunt County Committee on Aging, TX	495,000
TX	E-2006-BUSP-972	561	Laredo-North Laredo Transit Hub-Bus Maintenance Facility	680,130
TX	E-2006-BUSP-973	----------	Lubbock/Citibus Low-Floor Buses, Paratransit Vans and Facilities, and Passenger Amenities, TX	79,200
TX	E-2006-BUSP-977	----------	Rolling Stock for HCTD Urban System, TX	1,485,000
TX	E-2006-BUSP-978	24	Roma, TX Bus Facility	99,938
TX	E-2006-BUSP-979	610	San Angelo, TX Street Railroad Company-Transit Fleet Replacement	226,710
TX	E-2006-BUSP-982	----------	The District-Bryan/College Station Bus Replacement, Texas	495,000
TX	E-2006-BUSP-984	63	Zapata, Texas Purchase Bus vehicles	59,487
UT	E-2006-BUSP-990	----------	Statewide Bus and Bus Facilities, Utah	1,274,427
UT	E-2006-BUSP-996	----------	Westminster College Intermodal Transportation Facilities Expansion for Shuttle Buses, Utah	1,237,500
VA	E-2006-BUSP-997	----------	Alexandria Transit Service Improvements, VA	990,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
VA	E-2006-BUSP-998	409	Alexandria, VA Eisenhower Avenue Inter-modal Station improvements, including purchase of buses and construction of bus shelters	475,893	
VA	E-2006-BUSP-999	232	Alexandria, VA Royal Street Bus Garage Replacement	95,179	
VA	E-2006-BUSP-1000	----------	Arlington County Bus Transfer Facility, VA	396,000	
VA	E-2006-BUSP-1001	278	Arlington County, VA Columbia Pike Bus Improvements	666,250	
VA	E-2006-BUSP-1002	142	Arlington County, VA Crystal City-Potomac Yard Busway, including construction of bus shelters	571,072	
VA	E-2006-BUSP-1003	359	Arlington County, VA Pentagon City Multimodal Improvements	380,714	
VA	E-2006-BUSP-1004	157	Bealeton, Virginia-Intermodal Station Depot Refurbishment	52,348	
VA	E-2006-BUSP-1005	----------	Blacksburg Transit Intermodal Facility, VA	198,000	
VA	E-2006-BUSP-1007	492	City of Alexandria, VA-City-Wide Transit Improvements	226,710	
VA	E-2006-BUSP-1008	493	City of Alexandria, VA-Potomac Yard Transit Improvements	226,710	
VA	E-2006-BUSP-1009	494	City of Alexandria, VA-Replace Royal Street Bus Garage	680,130	
VA	E-2006-BUSP-1010	495	City of Alexandria, VA-Valley Pedestrian & Transit	226,710	
VA	E-2006-BUSP-1011	511	Commonwealth of Virginia-Statewide Bus Capital Program	911,198	
VA	E-2006-BUSP-1012	15	Fairfax County, VA Richmond Highway (U.S. Route1) Public Transportation Improvements	380,714	
VA	E-2006-BUSP-1013	525	Fairfax County, Virginia-Richmond Highway Initiative	453,420	
VA	E-2006-BUSP-1014	281	Falls Church, VA Falls Church Intermodal Transportation Center	380,714	
VA	E-2006-BUSP-1019	----------	Hampton Roads Southside Bus Facility, VA	990,000	
VA	E-2006-BUSP-1020	----------	Hampton Roads Transit Bus Facilities, VA	2,227,500	
VA	E-2006-BUSP-1021	535	Hampton Roads Transit, VA-Southside Bus Facility	226,710	
VA	E-2006-BUSP-1022	391	Hampton Roads, VA Final design and construction for a Hampton Roads Transit Southside Bus Facility	380,714	
VA	E-2006-BUSP-1024	354	Norfolk, Virginia-Final Design and Construction Southside Bus Facility	333,125	
VA	E-2006-BUSP-1025	68	Northern Neck and Middle Peninsula, Virginia-Bay Transit Multimodal Facilities	618,661	
VA	E-2006-BUSP-1026	----------	Park-and-Ride Lot, Springfield, VA	990,000	
VA	E-2006-BUSP-1031	----------	Richmond Highway Public Transportation Initiative, VA	2,376,000	
VA	E-2006-BUSP-1033	184	Richmond, VA Renovation and construction for Main Street Station	209,393	
VA	E-2006-BUSP-1036	305	Roanoke, Virginia-Intermodal Facility	38,071	
VA	E-2006-BUSP-1037	361	Roanoke, Virginia-Roanoke Railway and Link Passenger facility	95,179	
VA	E2006-BUSP-1117	----------	James City County Buses, Related Equipment and Facilities	247,500	1/
VT	E-2006-BUSP-1040	477	Brattleborough, VT, Intermodal Center	594,000	
VT	E-2006-BUSP-1041	----------	Burlington Transit Facilities, VT	990,000	
VT	E-2006-BUSP-1043	633	State of Vermont Buses, Facilities and Equipment	247,500	
WA	E-2006-BUSP-1044	----------	Ben Franklin Transit, Maintenance and Operations Facility, WA	495,000	
WA	E-2006-BUSP-1048	----------	Grays Harbor Transit, Transit Center Expansion, WA	772,200	
WA	E-2006-BUSP-1050	395	Ilwaco, WA Construct park and ride	19,036	
WA	E-2006-BUSP-1051	94	Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	19,036	
WA	E-2006-BUSP-1061	334	North Bend, Washington-Park and Ride	152,286	
WA	E-2006-BUSP-1062	333	Oak Harbor, WA Multimodal Facility	190,357	
WA	E-2006-BUSP-1065	----------	Puyallup Transit Center Park and Ride, Washington	772,200	
WA	E-2006-BUSP-1068	----------	Skagit Transit Chuckanut Dr. Station in Burlington, Washington	297,000	
WA	E-2006-BUSP-1069	113	Snohomish County, WA Community Transit bus purchases and facility enhancement	571,072	
WA	E-2006-BUSP-1071	----------	SW King County-Highline CC Intermodal Transit Facility and Parking Garage	841,500	
WA	E-2006-BUSP-1076	655	Washington, King Street Transportation Center-Intercity Bus Terminal Component	49,500	

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
WI	E-2006-BUSP-1077	----------	7th District Buses and Bus Facilities, WI	914,547
WV	E-2006-BUSP-1083	73	West Virginia Construct Beckley Intermodal Gateway pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L.. 105-178.	2,358,573
WY	E-2006-BUSP-1085	665	Wyoming Department of Transportation-Wyoming Statewide Bus and Bus Related Facilities	391,522
			Subtotal FY 2006 Unobligated Allocations	*$349,878,834*
FY 2006 Unobligated Ferry Boat Systems Allocations				
MA	E-2006-BUSP-1087	----------	Massachusetts Bay Transportation Authority Ferry System	2,475,000
ME	E-2006-BUSP-1089	----------	Swans Island, Maine Ferry Service	346,500
NJ	E-2006-BUSP-1090	----------	Camden, New Jersey Ferry System	710,000
NY	E-2006-BUSP-1091	----------	Governor's Island, New York Ferry System	990,000
PA	E-2006-BUSP-1093	----------	Philadelphia Penn's Landing Ferry Terminal	990,000
			Subtotal FY 2006 Unobligated Ferry Boat Systems Allocations	*$5,511,500*
			FY 2006 Unobligated Allocations Grand Total	**$355,390,334**

FY 2007 Unobligated Allocations

AK	E2007-BUSP-0001	427	Alaska Native Medical Center intermodal parking facility	$1,200,000
AK	E2007-BUSP-0002	466	Anchorage-Transit Needs	238,000
AK	E2007-BUSP-0003	422	C Street Expanded bus facility and inter-modal parking garage, Anchorage, AK	1,200,000
AK	E2007-BUSP-0004	425	CITC Non-profit Services Center inter-modal parking facility, Anchorage, AK	720,000
AK	E2007-BUSP-0005	541	Hoonah, AK-Intermodal Ferry Dock	476,000
AK	E2007-BUSP-0006	416	Improve marine inter-modal facilities in Ketchikan	3,360,000
AK	E2007-BUSP-0008	236	Juneau, Alaska-transit bus acquisition and transit center	360,000
AK	E2007-BUSP-0009	550	Juneau-Transit Bus Acquisition and Transit Center	357,000
AK	E2007-BUSP-0010	553	Ketchikan, Alaska-Transit Needs	60,000
AK	E2007-BUSP-0011	574	Matsu, Alaska-Transit Needs	119,000
AK	E2007-BUSP-0012	423	Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK	600,000
AK	E2007-BUSP-0013	596	North Slope Borough, AK-Transit Purposes	476,000
AK	E2007-BUSP-0014	597	North Star Borough, AK-Transit Purposes	238,000
AK	E2007-BUSP-0015	616	Sitka, Alaska-Transit Needs	60,000
AK	E2007-BUSP-0016	664	Wrangell, AK-Ferry Infrastructure	238,000
AL	E2007-BUSP-0017	461	Alabama Institute for Deaf and Blind-Bus project	119,000
AL	E2007-BUSP-0019	437	American Village/Montevallo, Alabama construction of closed loop Access Road, bus lanes and parking facility	80,256
AL	E2007-BUSP-0020	469	Auburn University-Intermodal Parking Garage	952,000
AL	E2007-BUSP-0021	98	Birmingham, AL Expansion of Downtown Intermodal Facility, Phase II	401,280
AL	E2007-BUSP-0022	496	City of Birmingham, AL-Birmingham Downtown Intermodal Terminal, Phase II	1,190,000
AL	E2007-BUSP-0023	501	City of Huntsville, AL- Cummings Park Intermodal Center	1,190,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
AL	E2007-BUSP-0025	504	City of Montgomery, AL-Montgomery Airport Intermodal Center	952,000
AL	E2007-BUSP-0026	507	City of Tuscaloosa, AL-Intermodal Facility	1,428,000
AL	E2007-BUSP-0027	528	Gadsden, AL-Community Buses	119,000
AL	E2007-BUSP-0028	534	Gulf Shores, AL-Community Bases	238,000
AL	E2007-BUSP-0029	582	Mobile County, AL Commission-Bus project	119,000
AL	E2007-BUSP-0030	644	University of Alabama in Birmingham Intermodal Facility	1,666,000
AL	E2007-BUSP-0032	646	University of Alabama Intermodal Facility South	2,142,000
AR	E2007-BUSP-0035	487	Central Arkansas Transit Authority Facility Upgrades	550,000
AR	E2007-BUSP-0036	231	Harrison, Arkansas-Trolley Barn	8,026
AZ	E2007-BUSP-0038	304	Coconino County buses and bus facilities for Flagstaff, AZ	250,800
AZ	E2007-BUSP-0039	229	Coconino County, Arizona-Bus and bus facilities for the Sedona Transit System	190,608
AZ	E2007-BUSP-0040	47	Phoenix, AZ Construct City of Phoenix para-transit facility (Dial-A-Ride)	200,640
AZ	E2007-BUSP-0041	346	Phoenix, AZ Construct metro bus facility in Phoenix West Valley	1,003,200
AZ	E2007-BUSP-0042	150	Phoenix, AZ Construct regional heavy bus maintenance facility	200,640
AZ	E2007-BUSP-0043	26	Scottsdale, Arizona-Plan, design, and construct intermodal center	501,600
AZ	E2007-BUSP-0044	203	Tempe, Arizona-Construct East Valley Metro Bus Facility	1,304,160
CA	E2007-BUSP-0045	75	Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	100,320
CA	E2007-BUSP-0046	288	Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	401,280
CA	E2007-BUSP-0047	398	Amador County, California-Regional Transit Center	200,640
CA	E2007-BUSP-0048	76	Baldwin Park, CA Construct vehicle and bicycle parking lot and pedestrian rest area at transit center	401,280
CA	E2007-BUSP-0049	227	Berkeley, CA Construct Ed Roberts Campus Intermodal Transit Disability Center	601,920
CA	E2007-BUSP-0050	119	Burbank, CA CNG Transit Vehicles Purchase for Local Transit Network Expansion	90,288
CA	E2007-BUSP-0051	396	Burbank, CA Construction of Empire Area Transit Center near Burbank Airport	50,160
CA	E2007-BUSP-0052	190	Calexico, CA Purchase new buses for the Calexico Transit System	60,192
CA	E2007-BUSP-0053	132	Carson, CA Purchase one bus	50,160
CA	E2007-BUSP-0054	407	Carson, CA Purchase one trolley-bus vehicle	50,160
CA	E2007-BUSP-0055	108	Carson, CA Purchase two transfer facility	100,320
CA	E2007-BUSP-0056	54	City of Alameda, CA Plan, design, and construct intermodal facility	401,280
CA	E2007-BUSP-0058	158	Covina, El Monte, Baldwin Park, Upland, CA Parking and Electronic Signage Improvements	351,120
CA	E2007-BUSP-0059	207	Culver City, CA Purchase compressed natural gas buses and expand natural gas fueling facility	742,368
CA	E2007-BUSP-0060	17	Davis, CA Davis Multi-Modal Station to improve entrance to Amtrak Depot and parking lot, provide additional parking and improve service	200,640
CA	E2007-BUSP-0061	11	Development of Gold Country Stage Transit Transfer Center, Nevada County, CA	186,659
CA	E2007-BUSP-0062	339	East San Diego County, California-Bus Maintenance Facility Expansion	401,280

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
CA	E2007-BUSP-0063	101	Emeryville, CA Expand & Improve Inter-modal Transit Center at Amtrak Station	200,640
CA	E2007-BUSP-0065	387	Fresno, CA-Develop program of low-emission transit vehicles	200,640
CA	E2007-BUSP-0066	260	Gardena, CA Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment	1,229,923
CA	E2007-BUSP-0067	212	Glendale, CA Construction of Downtown Streetcar Project	200,640
CA	E2007-BUSP-0068	1	Glendale, CA Purchase of CNG Buses for Glendale Beeline Transit System	92,696
CA	E2007-BUSP-0069	414	Hercules, CA Inter-modal Rail Station Improvements	300,960
CA	E2007-BUSP-0070	276	Long Beach, Ca Museum of Latin American Art, Long Beach, to build intermodal park and ride facility	401,280
CA	E2007-BUSP-0071	332	Long Beach, CA Park and Ride Facility	200,640
CA	E2007-BUSP-0072	295	Long Beach, CA Purchase one larger (75. passengers) and two smaller (40 passengers) ferryboats and construct related dock work to facilitate the use and accessibility of the ferryboats	601,920
CA	E2007-BUSP-0073	410	Long Beach, CA Purchase ten clean fuel buses	601,920
CA	E2007-BUSP-0074	443	Los Angeles County Metropolitan Transit Authority, CA capital funds for facility improvements to support the Cal State Northridge tram system	65,208
CA	E2007-BUSP-0076	223	Los Angeles, CA Design and construct improved transit and pedestrian linkages between Los Angeles Community College and nearby MTA rail stop and bus l	300,960
CA	E2007-BUSP-0077	307	Los Angeles, CA Improve safety, mobility and access between LATTC, Metro line and nearby bus stops on Grand Ave between Washington and 23rd	100,320
CA	E2007-BUSP-0078	121	Los Angeles, CA Improve transit shelters, sidewalks lighting and landscaping around Cedars-Sinai Medical Center	300,960
CA	E2007-BUSP-0080	36	Los Angeles, CA Wilshire-Vermont subway station reconstruction	200,640
CA	E2007-BUSP-0081	6	Los Angeles, CA, Construction of Intermodal Transit Center at California State University Los Angeles	158,506
CA	E2007-BUSP-0082	567	Los Angeles, CA, Fly-Away Bus System Expansion	550,000
CA	E2007-BUSP-0083	566	Los Angeles, CA, LAX Intermodal Transportation Center Rail and Bus System Expansion	550,000
CA	E2007-BUSP-0085	112	Mariposa, CA-Yosemite National Park CNG-Hydrogen transit buses and facilities	501,600
CA	E2007-BUSP-0086	266	Martinez, CA Inter-modal Facility Restoration	300,960
CA	E2007-BUSP-0087	285	Metro Gold Line Foothill Extension Light Rail Transit Project from Pasadena, CA to Montclair, CA	3,009,600
CA	E2007-BUSP-0088	39	Monrovia, California-Transit Village Project	601,920
CA	E2007-BUSP-0089	200	Montebello, CA Bus Lines Bus Fleet Replacement Project	140,448
CA	E2007-BUSP-0090	321	Monterey Park, CA Catch Basins at Transit Stop Installation	64,205
CA	E2007-BUSP-0091	191	Monterey Park, CA Safety improvements at a bus stop including creation of bus loading areas and street improvements	321,024
CA	E2007-BUSP-0093	43	Needles, California-El Garces Intermodal Facility	401,280
CA	E2007-BUSP-0094	92	Norwalk, CA Transit System Bus Procurement and Los Angeles World Airport Remote Fly-Away Facility Project	160,512
CA	E2007-BUSP-0095	392	Oakland, CA Construct Bay Trail between Coliseum BART station and Martin Luther King, Jr. Regional Shoreline	180,576
CA	E2007-BUSP-0096	352	Oakland, CA Construct streetscape & intermodal improvements at BART Station Transit Villages	200,640
CA	E2007-BUSP-0097	173	Ontario, CA Construct Omnitrans Transcenter	200,640
CA	E2007-BUSP-0098	194	Orange County Transit Authority, California-Security surveillance and monitoring equipment	1,061,386
CA	E2007-BUSP-0099	244	Orange County, CA Purchase buses for rapid transit	200,640

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
CA	E2007-BUSP-0100	366	Orange County, CA Transportation Projects to Encourage Use of Transit to Reduce Congestion	200,640
CA	E2007-BUSP-0101	45	Palm Springs, California-Sunline Transit bus purchase	100,320
CA	E2007-BUSP-0102	70	Palm Springs, California-Sunline Transit: CalStrat-Weststart fuel cell bus program	200,640
CA	E2007-BUSP-0103	399	Pasadena, CA ITS Improvements	200,640
CA	E2007-BUSP-0104	116	Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	300,960
CA	E2007-BUSP-0105	251	Redondo Beach, CA Capital Equipment procurement of 12. Compressed Natural Gas (CNG) Transit Vehicles for Coastal Shuttle Services by Beach Cities Tran	160,512
CA	E2007-BUSP-0106	286	Richmond, CA BART Parking Structure	1,003,200
CA	E2007-BUSP-0107	171	Riverside, California-RTA Advanced Traveler Information System	100,320
CA	E2007-BUSP-0108	189	Sacramento, CA Bus enhancement and improvements-construct maintenance facility and purchase clean-fuel buses to improve transit service	401,280
CA	E2007-BUSP-0109	84	Sacramento, CA Construct intermodal station and related improvements	1,404,480
CA	E2007-BUSP-0112	314	San Diego, CA Widen sidewalks and bus stop entrance, and provide diagonal parking, in the Skyline Paradise Hills neighborhood (Reo Drive)	60,192
CA	E2007-BUSP-0113	183	San Fernando Valley, CA Reseda Blvd. Bus Rapid Transit Route	120,384
CA	E2007-BUSP-0114	127	San Fernando, CA Purchase CNG buses and related equipment and construct facilities	609,946
CA	E2007-BUSP-0118	381	San Francisco, CA Redesign and renovate intermodal facility at Glen Park Community	827,640
CA	E2007-BUSP-0119	341	San Gabriel Valley, CA-Foothill Transit Park and Rides	1,906,080
CA	E2007-BUSP-0120	254	San Joaquin, California Regional Rail-Altamont Commuter Express Corridor inter-modal centers	802,560
CA	E2007-BUSP-0122	145	Santa Ana, CA Improve Santa Ana transit terminal	200,640
CA	E2007-BUSP-0123	147	Santa Barbara, CA-Expansion of Regional Intermodal Transit Center	60,192
CA	E2007-BUSP-0124	364	Santa Monica, CA Construct intermodal park-and-ride facility at Santa Monica College campus on South Bundy Drive near Airport Avenue	200,640
CA	E2007-BUSP-0125	172	Santa Monica, CA Purchase and service LNG buses for Santa Monicas Big Blue Bus to meet increased ridership needs and reduce emissions	752,400
CA	E2007-BUSP-0127	27	Sonoma County, CA Purchase of CNG buses	100,320
CA	E2007-BUSP-0128	401	South Pasadena, CA Silent Night Grade Crossing Project	180,576
CA	E2007-BUSP-0130	388	Sylmar, CA Los Angeles Mission College Transit Center construction	50,160
CA	E2007-BUSP-0131	315	Temecula, California-Intermodal Transit Facility	100,320
CA	E2007-BUSP-0132	85	Torrance Transit System, CA Acquisition of EPA and CARB-certified low emission replacement buses	601,920
CA	E2007-BUSP-0135	195	Woodland Hills, CA Los Angeles Pierce College Bus Rapid Transit Station Extension	200,640
CA	E2007-BUSP-0136	83	Woodland, CA Yolobus operations, maintenance, administration facility expansion and improvements to increase bus service with alternative fuel buses	401,280
CO	E2007-BUSP-0137	449	City of Aspen, CO Bus and Bus Facilities	140,448
CO	E2007-BUSP-0138	448	City of Durango, CO Bus and Bus Facilities	50,160
CO	E2007-BUSP-0139	509	Colorado Association of Transit Agencies/Colorado Transit Coalition-Colorado Statewide Buses and Bus Facilities	3,247,729
CO	E2007-BUSP-0140	518	Denver Regional Transit District-Bus Maintenance Facility	714,000
CO	E2007-BUSP-0141	520	Denver Regional Transit District-Denver Union Station Multimodal Renovations	476,000
CO	E2007-BUSP-0142	521	Denver Regional Transit District-US 36 Corridor BRT	1,666,000

FEDERAL TRANSIT ADMINISTRATION
TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
CO	E2007-BUSP-0143	167	Denver, CO Denver Union Station Inter-modal Center	1,103,520
CO	E2007-BUSP-0146	188	Mountain Express, Crested Butte, CO Bus and Bus Facilities	100,320
CO	E2007-BUSP-0150	450	Town of Snowmass Village, CO Bus and Bus Facilities	60,192
CT	E2007-BUSP-0152	44	Bridgeport, Connecticut-Greater Bridgeport Transit Authority Bus Facility	100,320
CT	E2007-BUSP-0153	478	Bridgeport, CT Facility Expansion/Improvement	400,000
CT	E2007-BUSP-0155	523	Downtown Middletown, CT, Transportation Infrastructure Improvement Project	2,150,000
CT	E2007-BUSP-0156	218	Enfield, Connecticut-intermodal station	601,920
CT	E2007-BUSP-0158	267	Middletown, CT Construct intermodal center	300,960
CT	E2007-BUSP-0160	269	New London, Connecticut-Intermodal Transportation Center and Streetscapes	100,320
CT	E2007-BUSP-0161	369	Norwalk, Connecticut-Pulse Point Joint Development inter-modal facility	100,320
CT	E2007-BUSP-0162	131	Stonington and Mystic, Connecticut-Intermodal Center parking facility and Streetscape	489,562
CT	E2007-BUSP-0163	32	Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	401,280
CT	E2007-BUSP-0165	657	Waterbury, CT Bus Maintenance Facility	2,300,000
FL	E2007-BUSP-0167	470	Bay County, FL - Transit Facility	476,000
FL	E2007-BUSP-0168	297	Broward County, FL - Purchase Buses and construct bus facilities	401,280
FL	E2007-BUSP-0169	69	Broward County, FL Buses & Bus Facilities	1,304,160
FL	E2007-BUSP-0170	479	Broward County-Bus and Bus Facilities	476,000
FL	E2007-BUSP-0171	117	Broward, FL Purchase new articulated buses and bus stop improvements on State Road 7. (SR 7) between Golden Glades Interchange and Glades Road	100,320
FL	E2007-BUSP-0172	439	Central Florida Commuter Rail intermodal facilities	1,003,200
FL	E2007-BUSP-0173	453	Central Florida Commuter Rail Intermodal Facilities	720,000
FL	E2007-BUSP-0174	488	Central Florida Regional Transportation Authority-LYNX Bus Fleet Expansion Program	1,190,000
FL	E2007-BUSP-0175	498	City of Gainesville Regional Transit System-Facility Expansion	238,000
FL	E2007-BUSP-0176	508	Collier County Transit-Transit Facility	238,000
FL	E2007-BUSP-0177	23	Construct intermodal transportation & parking facility, City of Winter Park, Florida	100,320
FL	E2007-BUSP-0178	80	Flagler County, Florida-bus facility	120,384
FL	E2007-BUSP-0180	344	Gainesville, FL Bus Facility Expansion	802,560
FL	E2007-BUSP-0183	538	Hillsborough Area Regional Transit-Bus Rapid Transit Improvements	476,000
FL	E2007-BUSP-0189	558	Lakeland Area Mass Transit District/Citrus Connection-Capital Funding Needs	476,000
FL	E2007-BUSP-0191	103	Longwood, Florida-Construct Intermodal Transportation Facility	100,320
FL	E2007-BUSP-0192	308	Miami Dade, FL N.W. 7th Avenue Transit Hub	601,920
FL	E2007-BUSP-0193	211	Miami-Dade County, Florida-buses and bus facilities	1,203,840
FL	E2007-BUSP-0194	432	Miami-Dade County, Florida-buses and bus facilities	802,560
FL	E2007-BUSP-0195	133	Miami-Dade County, Florida-Transit Security System	599,914
FL	E2007-BUSP-0196	580	Miami-Dade Transit 7th Avenue NW Transit Hub	238,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
FL	E2007-BUSP-0197	454	Miami-Dade Transit Dadeland South Intermodal Center	480,000
FL	E2007-BUSP-0199	294	Orlando, FL Bus Replacement	802,560
FL	E2007-BUSP-0200	14	Orlando, Florida-LYNX Bus Fleet Expansion Program	180,576
FL	E2007-BUSP-0204	600	Pinellas County Metropolitan Planning Organization-Pinellas Mobility Initiative: BRT and Guide way	238,000
FL	E2007-BUSP-0205	415	Purchase Buses and construct bus facilities in Broward County, FL	451,440
FL	E2007-BUSP-0206	420	Purchase Buses and construct bus facilities in Broward County, FL	401,280
FL	E2007-BUSP-0207	400	South FL Region, FL Regional Universal Automated Fare Collection System (UAFC) (for bus system)	401,280
FL	E2007-BUSP-0208	623	South Florida Regional Transportation Authority-West Palm Beach Intermodal Facility	476,000
FL	E2007-BUSP-0209	622	South Florida Regional Transportation Authority-West Palm Improvements, for any activity eligible under section 5309	3,570,000
FL	E2007-BUSP-0210	31	St. Augustine, Florida-Intermodal Transportation Center and related pedestrian and landscape improvements	200,640
FL	E2007-BUSP-0211	390	St. Lucie County, FL Purchase Buses	200,640
FL	E2007-BUSP-0212	402	Tampa, FL Establish Transit Emphasis Corridor Project	150,480
GA	E2007-BUSP-0214	355	Albany, GA Bus replacement	60,192
GA	E2007-BUSP-0215	255	Albany, GA Multimodal Facility	160,512
GA	E2007-BUSP-0216	357	Athens, GA Buses and Bus Facilities	284,909
GA	E2007-BUSP-0217	247	Atlanta, GA Inter-modal Passenger Facility Improvements	401,280
GA	E2007-BUSP-0218	384	Atlanta, GA MARTA Clean Fuel Bus Acquisition	1,203,840
GA	E2007-BUSP-0219	144	Augusta, GA Buses and Bus Facilities	80,256
GA	E2007-BUSP-0221	91	Columbus, GA Bus replacement	60,192
GA	E2007-BUSP-0222	510	Columbus, Georgia/Phoenix City, Alabama-National Infantry Museum Multimodal Facility	405,000
GA	E2007-BUSP-0223	49	Columbus, Georgia-Buses & Bus Facilities	194,420
GA	E2007-BUSP-0224	530	Georgia Department of Transportation-Georgia Statewide Bus and Bus Facilities	2,142,000
GA	E2007-BUSP-0225	60	Georgia Statewide Bus Program	40,128
GA	E2007-BUSP-0227	374	Metro-Atlanta, GA MARTA Automated Smart-Card Fare Collection System	200,640
GA	E2007-BUSP-0228	406	Moultrie, GA Inter-modal facility	60,192
GA	E2007-BUSP-0229	329	Quitman, Clay, Randolph, Stewart Co., GA Bus project	50,160
GA	E2007-BUSP-0230	256	Savannah, GA Bus and Bus Facilities-Chatham Area Transit	1,003,200
GA	E2007-BUSP-0231	348	Savannah, Georgia-Water Ferry River walk intermodal facilities	401,280
GA	E2007-BUSP-0232	206	Sylvester, GA Inter-modal Facility	40,128
GA	E2007-BUSP-0233	298	Thomasville, GA Bus Replacement	40,128
HI	E2007-BUSP-0234	540	Honolulu, HI, Bus Facilities	1,300,000
IA	E2007-BUSP-0236	475	Black Hawk County, IA UNI Multimodal Project	714,000
ID	E2007-BUSP-0239	176	Boise, ID-Multimodal facility	902,880
ID	E2007-BUSP-0241	652	Valley Regional Transit, ID-Downtown Boise Multimodal	1,381,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
IL	E2007-BUSP-0242	433	Centralia, Illinois-South Central Mass Transit District Improvements	80,256
IL	E2007-BUSP-0243	226	Champaign, IL-Construct park and ride lot with attached daycare facility	300,960
IL	E2007-BUSP-0244	221	Chicago, IL Construct intermodal facility at 35th Street at Metra Ride Line (Northside)	1,003,200
IL	E2007-BUSP-0246	491	Chicago, IL, Cermak Road, Bus Rapid Transit	250,000
IL	E2007-BUSP-0247	358	Cicero, Chicago Establish Transit Signal Priority, Cicero Ave., Pace Suburban Bus	200,640
IL	E2007-BUSP-0248	4	Des Plaines, Wauconda, Cook and Lake Counties, IL Rand Road Transit Signal Priority	160,512
IL	E2007-BUSP-0252	250	Maywood, IL Purchase buses	10,032
IL	E2007-BUSP-0253	186	Mattoon, Illinois - historic railroad depot restoration/intermodal center	321,024
IL	E2007-BUSP-0256	365	Pace Suburban Bus, IL South Suburban BRT Mobility Network	100,320
IL	E2007-BUSP-0257	404	Rock Island, IL Improve Rock Island Mass Transit District Bus Facility	100,320
IL	E2007-BUSP-0258	608	Rock Island, Illinois, Metrolink Transit Maintenance Facility	250,000
IL	E2007-BUSP-0259	632	Springfield, IL, Multimodal Transit Terminal	1,100,000
IL	E2007-BUSP-0260	259	St. Charles, IL-Intermodal Parking Structures	902,880
IL	E2007-BUSP-0262	135	Wheaton, IL Pace Suburban Bus-Purchase buses	200,640
IN	E2007-BUSP-0263	109	Bloomington, IN-Bus and transfer facility	965,078
IN	E2007-BUSP-0264	529	Gary, Indiana, Gary Airport Station Modernization and Shuttle Service Project	400,000
IN	E2007-BUSP-0265	544	Indianapolis Downtown Transit Center	900,000
IN	E2007-BUSP-0266	235	Indianapolis, IN Construct the Ivy Tech State College Multi-Modal Facility	1,003,200
IN	E2007-BUSP-0267	5	Indianapolis, IN Downtown Transit Center	2,808,960
IN	E2007-BUSP-0268	220	Indianapolis, IN IndySMART program to relieve congestion, improve safety and air quality	401,280
IN	E2007-BUSP-0269	378	Indianapolis, IN Relocate and improve inter-modal transportation for pedestrian to Childrens Museum of Indianapolis	2,808,960
IN	E2007-BUSP-0270	417	Indianapolis, Indiana-Childrens Museum Intermodal Center	200,640
IN	E2007-BUSP-0271	546	Ivy Tech State College, Indiana Multimodal Center	200,000
KS	E2007-BUSP-0276	53	Johnson Co., KS Bus and bus related facilities [I-35. corridor], Johnson Co. Transit	401,280
KY	E2007-BUSP-0279	372	Richmond, KY Purchase buses, bus equipment and facilities	144,461
KY	E2007-BUSP-0280	639	Transit Authority of Lexington, KY-Rehabilitation of Building for Maintenance and Administration	952,000
LA	E2007-BUSP-0281	484	Capital Area Transit System-Baton Rouge BRT	714,000
LA	E2007-BUSP-0287	170	Louisiana-Construct pedestrian walkways between Caddo St. and Milam St. along Edwards St. in Shreveport, LA	203,640
LA	E2007-BUSP-0288	55	New Orleans, LA Inter-modal Riverfront Center	100,320
LA	E2007-BUSP-0289	67	New Orleans, LA Plan and construct New Orleans Union Passenger Terminal intermodal facilities	200,640
LA	E2007-BUSP-0290	243	New Orleans, LA Regional Planning Commission, bus and bus facilities	100,320
LA	E2007-BUSP-0291	310	River Parishes, LA South Central Planning and Development Commission, bus and bus facilities	200,640
LA	E2007-BUSP-0292	606	River Parishes, Louisiana, South Central Planning and Development Commission, bus and bus facilities	180,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
LA	E2007-BUSP-0293	277	Shreveport, LA-intermodal Transit Facility	672,144
LA	E2007-BUSP-0295	283	St. Bernard Parish, LA Intermodal facility improvements	200,640
MA	E2007-BUSP-0297	472	Berkshire, MA, Berkshire Regional Transit Authority Bus Maintenance Facility	30,000
MA	E2007-BUSP-0298	59	Beverly, MA Design and Construct Beverly Deport Intermodal Transportation Center	401,280
MA	E2007-BUSP-0301	330	Framingham, MA Local Intra-Framingham Transit System enhancements	361,152
MA	E2007-BUSP-0302	124	Haverhill, MA Design and Construct Inter-modal Transit Parking Improvements	1,123,584
MA	E2007-BUSP-0303	21	Hingham, MA Higham Marine Intermodal Center Improvements: Enhance public transportation infrastructure/parking	1,805,760
MA	E2007-BUSP-0304	563	Lawrence, MA, Gateway Intermodal and Quadant Area Reuse Project	800,000
MA	E2007-BUSP-0307	42	Medford, MA Downtown revitalization featuring construction of a 200 space Park and Ride Facility	401,280
MA	E2007-BUSP-0308	257	Newburyport, MA Design and Construct Intermodal Facility	401,280
MA	E2007-BUSP-0309	139	Quincy, MA MBTA Purchase high speed catamaran ferry for Quincy Harbor Express Service	401,280
MA	E2007-BUSP-0310	161	Revere, MA Inter-modal transit improvements in the Wonderland station (MBTA) area	361,152
MA	E2007-BUSP-0311	88	Rockport, MA Rockport Commuter Rail Station Improvements	551,760
MA	E2007-BUSP-0312	370	Salem, MA Design and Construct Salem Intermodal Transportation Center	401,280
MA	E2007-BUSP-0313	205	Woburn, MA Construction of an 89 space park and ride facility to be located on Magazine Hill, in the Heart of Woburn Square	361,152
MD	E2007-BUSP-0314	122	Baltimore, MD Construct Intercity Bus Intermodal Terminal	1,003,200
MD	E2007-BUSP-0315	303	Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	1,003,200
MD	E2007-BUSP-0316	542	Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	220,000
MD	E2007-BUSP-0317	571	MARC Intermodal Odenton and Edgewood Station Improvements	380,000
MD	E2007-BUSP-0318	573	Maryland Statewide Bus Facilities and Buses	5,750,000
MD	E2007-BUSP-0319	224	Montgomery County, MD Wheaton CBD Intermodal Access Program	100,320
MD	E2007-BUSP-0320	214	Mount Rainier, MD Intermodal and Pedestrian Project	90,288
MD	E2007-BUSP-0323	629	Southern Maryland Commuter Initiative	2,800,000
ME	E2007-BUSP-0324	19	Bar Harbor, ME Purchase new buses to enhance commuting near the Jackson Labs	60,192
ME	E2007-BUSP-0325	483	Campobello Park, ME, Bus Acquisition	34,000
MI	E2007-BUSP-0329	502	City of Kalamazoo, MI bus Replacement	1,800,000
MI	E2007-BUSP-0330	319	Detroit Bus Maintenance Facility	1,805,760
MI	E2007-BUSP-0335	9	Detroit, MI Enclosed heavy-duty maintenance facility with full operational functions for up to 300 buses	902,880
MI	E2007-BUSP-0337	526	Flint, MI, Mass Transportation Authority Bus Maintenance Facility	650,000
MI	E2007-BUSP-0344	293	Muskegon, Michigan-Muskegon Area Transit Terminal and related improvements	401,280
MN	E2007-BUSP-0349	577	Metro Transit/Metropolitan Council, MN-Bus/Bus Capital	2,261,000
MN	E2007-BUSP-0350	185	St. Paul to Hinckley, MN Construct bus amenities along Rush Line Corridor	216,160
MN	E2007-BUSP-0351	342	St. Paul, MN Union Depot Multi Modal Transit Facility	401,280

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
MO	E2007-BUSP-0352	473	Bi-State Development Agency-St. Louis Bridge Repair/Reconstruction, for any activity eligible under section 5309	1,190,000
MO	E2007-BUSP-0353	474	Bi-State Development Agency-St. Louis Metro Bus Fare Collection Program	3,808,000
MO	E2007-BUSP-0355	598	OATS, Incorporated, MO-ITS Information and Billing System and Bus Facilities	4,046,000
MO	E2007-BUSP-0356	624	Southeast Missouri Transportation Service-Bus Project	476,000
MS	E2007-BUSP-0357	357	Coahoma County, Mississippi Purchase buses for the Aaron E. Henry Community Health Services Center, Inc./DARTS transit service	30,096
MS	E2007-BUSP-0358	547	Jackson State University, MS-Busing Project	1,190,000
MT	E2007-BUSP-0361	584	Montana Department of Transportation-Statewide Bus Facilities and Buses	714,000
NC	E2007-BUSP-0362	490	Charlotte Area Transit System/City of Charlotte-Charlotte Multimodal Station	2,380,000
NC	E2007-BUSP-0363	217	Charlotte, NC Construct Charlotte Multimodal Station	1,564,992
NC	E2007-BUSP-0365	228	Charlotte, North Carolina-Multimodal Station	802,560
NC	E2007-BUSP-0366	154	City of Greenville, NC Expansion Buses and Greenville Intermodal Center	715,081
NC	E2007-BUSP-0368	302	Greensboro, North Carolina-Piedmont Authority for Regional Transportation Multimodal Transportation Center	2,512,013
NC	E2007-BUSP-0369	52	Greensboro, North Carolina-Replacement buses	1,159,699
NC	E2007-BUSP-0372	594	North Carolina Department of Transportation-North Carolina Statewide Bus and Bus Facilities	5,950,000
NC	E2007-BUSP-0373	143	Raleigh, NC Purchase eighteen replacement buses to replace buses that have reached their useful life according to Federal Transit Administration regulations	401,280
NC	E2007-BUSP-0375	57	Wilmington, NC Build Intermodal Center	200,640
ND	E2007-BUSP-0376	595	North Dakota Department of Transportation/Statewide Bus	981,410
NE	E2007-BUSP-0377	505	City of Omaha-Creighton University Intermodal Facility	714,000
NE	E2007-BUSP-0378	160	Kearney, Nebraska-RYDE Transit Bus Maintenance and Storage Facility	401,280
NE	E2007-BUSP-0379	586	Nebraska Department of Roads-Bus Maintenance and Storage Facility for RYDE in Kearney, NE	476,000
NE	E2007-BUSP-0380	587	Nebraska Department of Roads-Statewide Vehicles, Facilities, and Related Equipment Purchases	952,000
NE	E2007-BUSP-0381	240	Nebraska-statewide transit vehicles, facilities, and related equipment	802,560
NE	E2007-BUSP-0382	599	Omaha, NE, Buses and Fare boxes	650,000
NH	E2007-BUSP-0383	418	Windham, New Hampshire--Construction of Park and Ride Bus facility at Exit 3	742,368
NJ	E2007-BUSP-0384	468	Atlantic City, NJ Jitney	750,000
NJ	E2007-BUSP-0385	86	Burlington County, NJ-BurLink and Burlington County Transportation System vehicles and equipment	802,560
NJ	E2007-BUSP-0386	28	Camden, NJ Construction of the Camden County Intermodal Facility in Cramer Hill	200,640
NJ	E2007-BUSP-0387	12	Hoboken, NJ Rehabilitation of Hoboken Inter-modal Terminal	762,432
NJ	E2007-BUSP-0388	102	Jersey City, NJ Construct West Entrance to Pavonia-Newport PATH Station	401,280
NJ	E2007-BUSP-0389	389	Lakewood, NJ-Ocean County Bus service and parking facilities	601,920
NJ	E2007-BUSP-0390	138	Long Branch, NJ Design and construct facilities for ferry service from Long Branch, NJ to New York City and other destinations	802,560
NJ	E2007-BUSP-0391	38	Monmouth County, NJ Construction of main bus facility for Freehold Township, including a terminal and repair shop	401,280
NJ	E2007-BUSP-0392	209	Morristown, New Jersey-Intermodal Historic Station	200,640
NJ	E2007-BUSP-0393	46	National Park Service Design and construct 2.1-mile segment to complete Sandy Hook multiuse pathway in Sandy Hook, NJ	200,640

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
NJ	E2007-BUSP-0394	340	New Jersey Inter-modal Facilities and Bus Rolling Stock	601,920
NJ	E2007-BUSP-0395	328	New Jersey Transit Community Shuttle Buses	100,320
NJ	E2007-BUSP-0396	13	Newark, NJ Penn Station Intermodal Improvements including the rehabilitation of boarding areas	200,640
NJ	E2007-BUSP-0397	29	Sandy Hook, NJ National Park Service Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area	200,640
NJ	E2007-BUSP-0399	618	South Brunswick, NJ Transit System	1,000,000
NJ	E2007-BUSP-0402	181	Trenton, NJ Development of Trenton Trolley System	200,640
NM	E2007-BUSP-0404	464	Albuquerque, NM, Ride Bus and Bus Facilities	1,500,000
NM	E2007-BUSP-0405	562	Las Cruces, NM, Road Runner Bus and Bus Facilities	250,000
NV	E2007-BUSP-0406	405	Las Vegas, NV Construct Boulder Highway BRT system and purchase vehicles and related equipment	401,280
NV	E2007-BUSP-0407	199	Las Vegas, NV Construct Central City Inter-modal Transportation Terminal	1,203,840
NV	E2007-BUSP-0408	371	Las Vegas, NV Construct Las Vegas West Care Intermodal Facility	50,160
NV	E2007-BUSP-0409	603	Regional Transportation Commission of Southern Nevada-Central City Intermodal Transportation Terminal	952,000
NV	E2007-BUSP-0411	630	Southern Nevada Transit Coalition, Public Transit Building Acquisition	300,000
NY	E2007-BUSP-0413	74	Albany-Schenectady, NY Bus Rapid Transit Improvements in NY Route 5 Corridor	200,640
NY	E2007-BUSP-0414	463	Albany-Schenectady, NY, Bus Rapid Transit Improvements in NY Route 5	800,000
NY	E2007-BUSP-0415	271	Bronx, NY Botanical Garden metro North Rail station Intermodal Facility	200,640
NY	E2007-BUSP-0416	20	Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo	200,640
NY	E2007-BUSP-0417	279	Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo	200,640
NY	E2007-BUSP-0418	166	Bronx, NY Hebrew Home for the Aged elderly and disabled transportation support	37,620
NY	E2007-BUSP-0419	338	Bronx, NY Intermodal Facility near Exit 6. of the Bronx River Parkway	50,160
NY	E2007-BUSP-0420	234	Bronx, NY Jacobi Intermodal Center to North Central Bronx Hospital bus system	62,700
NY	E2007-BUSP-0421	10	Bronx, NY Wildlife Conservation Society intermodal transportation facility at the Bronx Zoo	87,780
NY	E2007-BUSP-0422	197	Brooklyn, NY Construct a multi-modal transportation facility	280,896
NY	E2007-BUSP-0423	408	Brooklyn, NY Construct a multi-modal transportation facility in the vicinity of Downstate Medical Center	200,640
NY	E2007-BUSP-0424	41	Brooklyn, NY New Urban Center-Broadway Junction Intermodal Center	192,614
NY	E2007-BUSP-0425	56	Brooklyn, NY-Rehabilitation of Bay Ridge 86th Street Subway Station	802,560
NY	E2007-BUSP-0426	419	Brooklyn, NY--Rehabilitation of Bay Ridge 86th Street Subway Station	802,560
NY	E2007-BUSP-0427	192	Buffalo, NY Inter-modal Center Parking Facility	200,640
NY	E2007-BUSP-0428	245	Bus to provide York-town, New York internal circulator to provide transportation throughout the Town	37,118
NY	E2007-BUSP-0429	230	Construction of Third Bus Depot on Staten Island	2,407,680
NY	E2007-BUSP-0430	146	Cooperstown, New York-Intermodal Transit Center	1,003,200
NY	E2007-BUSP-0431	363	Corning, New York-Transportation Center	1,003,200
NY	E2007-BUSP-0432	512	Corning, NY, Phase II Corning Preserve Transportation Enhancement Project	450,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
NY	E2007-BUSP-0433	284	Cornwall, NY-Purchase Bus	17,456
NY	E2007-BUSP-0434	300	Geneva, New York-Multimodal facility-Construct passenger rail center	100,320
NY	E2007-BUSP-0435	317	Jamestown, NY Rehabilitation of Intermodal Facility and associated property	401,280
NY	E2007-BUSP-0436	343	Kings County, NY Construct a multi-modal transportation facility	200,640
NY	E2007-BUSP-0437	368	Nassau County, NY Conduct planning and engineering for transportation system (HUB)	1,404,480
NY	E2007-BUSP-0438	585	Nassau County, NY, Conduct planning, engineering, and construction for transportation system (HUB)	1,200,000
NY	E2007-BUSP-0439	25	New York City, NY First Phase Implementation of Bus Rapid Transit System	200,640
NY	E2007-BUSP-0441	590	New York City, NY, Bronx Zoo Intermodal Facility	450,000
NY	E2007-BUSP-0443	592	New York City, NY, Highline Project, for Studies, Design, and Construction	1,200,000
NY	E2007-BUSP-0444	593	New York, Improvements to Moynihan Station	1,200,000
NY	E2007-BUSP-0445	77	Niagara Falls, NY Relocation, Development, and Enhancement of Niagara Falls International Railway Station/Intermodal Transportation Center	1,123,584
NY	E2007-BUSP-0446	373	Niagara Frontier Transportation Authority, NY Replacement Buses	200,640
NY	E2007-BUSP-0447	322	Oneonta, New York-bus replacement	30,096
NY	E2007-BUSP-0448	379	Ramapo, NY Transportation Safety Field Bus	50,160
NY	E2007-BUSP-0449	252	Rochester, New York-Renaissance Square transit center	902,880
NY	E2007-BUSP-0450	430	Rochester, New York-Renaissance Square Transit Center	451,440
NY	E2007-BUSP-0451	607	Rochester, NY, Renaissance Square Intermodal Facility, Design and Construction	1,400,000
NY	E2007-BUSP-0452	609	Rockland County, NY Express Bus	700,000
NY	E2007-BUSP-0453	368	Suffolk County, NY Design and construction of intermodal transit facility in Wyandanch	922,944
NY	E2007-BUSP-0454	353	Suffolk County, NY Purchase four handicapped accessible vans to transport veterans to and from the VA facility in Northport	56,179
NY	E2007-BUSP-0455	635	Syracuse, New York, Syracuse University Connective Corridor Transit Project	950,000
NY	E2007-BUSP-0456	261	Thendra-Webb and Utica, New York-Install handicap lifts in intermodal centers	20,064
NY	E2007-BUSP-0457	289	Town of Warwick, NY Bus Facility Warwick Transit System	110,352
NY	E2007-BUSP-0458	451	Utica, New York Transit Multimodal Facilities	1,200,000
NY	E2007-BUSP-0459	78	Utica, New York-Union Station Boehlert Center siding track improvements	20,064
NY	E2007-BUSP-0460	182	Utica, New York-Union Station rehabilitation and related infrastructure improvements	100,320
NY	E2007-BUSP-0461	264	Westchester County, NY Bus replacement program	752,400
NY	E2007-BUSP-0462	149	Yonkers, NY Trolley Bus Acquisition	75,240
OH	E2007-BUSP-0466	489	Central Ohio Transit Authority-Paratransit and Small Bus Service Facility	476,000
OH	E2007-BUSP-0467	241	Cincinnati, Ohio-Construct Uptown Crossings Joint Development Transit Project	601,920
OH	E2007-BUSP-0468	89	Cincinnati, Ohio-Metro Regional Transit Hub Network Eastern Neighborhoods	185,592
OH	E2007-BUSP-0469	327	Cleveland, OH Construct East Side Transit Center	601,920
OH	E2007-BUSP-0470	202	Cleveland, OH Construct Fare Collection System Project, Cuyahoga County	100,320

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
OH	E2007-BUSP-0471	179	Cleveland, OH Construct passenger inter-modal center near Dock 32	172,550
OH	E2007-BUSP-0472	411	Cleveland, OH Construction of an inter-modal facility and related improvements at University Hospitals facility on Euclid Avenue	200,640
OH	E2007-BUSP-0473	51	Cleveland, Ohio acquisition of buses Greater Cleveland Regional Transit Authority	200,640
OH	E2007-BUSP-0474	258	Cleveland, Ohio-Euclid Avenue and East 93rd Street intermodal facility	1,705,440
OH	E2007-BUSP-0475	198	Cleveland, Ohio-Euclid Avenue University Hospital intermodal facility	902,880
OH	E2007-BUSP-0476	50	Cleveland, Ohio-University Circle Intermodal facility	1,705,440
OH	E2007-BUSP-0478	7	Columbus, OH-Central Ohio Transit Authority Paratransit Facility	1,203,840
OH	E2007-BUSP-0479	292	Cuyahoga County, Ohio-Ohio Department of Transportation transit improvements	30,096
OH	E2007-BUSP-0480	120	Dayton Airport Inter-modal Rail Feasibility Study	150,480
OH	E2007-BUSP-0481	516	Dayton-Wright Stop Plaza	476,000
OH	E2007-BUSP-0483	309	Elyria, OH Construct the New York Central Train Station into an intermodal transportation hub	410,911
OH	E2007-BUSP-0484	349	Kent, OH Construct Kent State University Intermodal Facility serving students and the general public	200,640
OH	E2007-BUSP-0485	104	Marietta, Ohio Construction of transportation hub to accommodate regional bus traffic	100,320
OH	E2007-BUSP-0487	87	Niles, OH Acquisition of bus operational and service equipment of Niles Trumbull Transit	40,128
OH	E2007-BUSP-0488	385	Springfield, OH-City of Springfield Bus Transfer Station and Associated Parking	50,160
OH	E2007-BUSP-0489	34	Toledo, OH TARTA/TARPS Passenger Inter-modal Facility construction	1,504,800
OH	E2007-BUSP-0490	64	Zanesville, OH-bus system signage and shelters	16,302
OR	E2007-BUSP-0491	442	Albany, OR North Albany Park and Ride	191,086
OR	E2007-BUSP-0492	165	Albany, OR Rehabilitate Building At Multimodal Transit Station	305,737
OR	E2007-BUSP-0493	272	Bend, Oregon-replacement vans	200,640
OR	E2007-BUSP-0494	66	Canby, OR bus and bus facilities	30,096
OR	E2007-BUSP-0495	187	Columbia County, OR To purchase buses	28,090
OR	E2007-BUSP-0496	299	Corvallis, OR Bus Replacement	296,183
OR	E2007-BUSP-0498	325	Grants Pass, OR Purchase Vehicles For Use By Josephine Community Transit	40,845
OR	E2007-BUSP-0499	99	Gresham, Oregon Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood	280,896
OR	E2007-BUSP-0500	168	Lane Transit District, Bus Rapid Transit Progressive Corridor Enhancements	594,621
OR	E2007-BUSP-0501	323	Lincoln, County, OR bus purchase	50,160
OR	E2007-BUSP-0502	175	Molalla, OR South Clackamas Transportation District, bus purchase	20,064
OR	E2007-BUSP-0503	16	Portland, OR Renovation of Union Station, including structural reinforcement and public safety upgrades	20,064
OR	E2007-BUSP-0504	93	Salem, OR bus and bus facilities	401,280
OR	E2007-BUSP-0505	106	Sandy, Oregon Transit Bus Facility	140,448
OR	E2007-BUSP-0506	180	Tillamook, OR construction of a transit facility	20,064
OR	E2007-BUSP-0507	216	Wilsonville, OR South Metro Area Rapid Transit, bus and bus facilities	50,160
OR	E2007-BUSP-0508	82	Yamhill County, OR For the construction of bus shelters, park and ride facilities, and a signage strategy to increase ridership	22,070

FEDERAL TRANSIT ADMINISTRATION
TABLE 12
Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
PA	E2007-BUSP-0510	456	Altoona Multimodal Transportation Facility Parking Garage	240,000
PA	E2007-BUSP-0511	465	AMTRAN Altoona, PA-Buses and Transit System Improvements	714,000
PA	E2007-BUSP-0514	481	Butler Township, PA-Cranbury Area Transit Service	833,000
PA	E2007-BUSP-0516	482	Cambria County, PA Transit Authority-Bus Replacements	714,000
PA	E2007-BUSP-0518	500	City of Hazleton, PA-Hazleton Intermodal Center	333,000
PA	E2007-BUSP-0519	513	County of Lackawanna Transit System-Scranton Intermodal Transportation Center	238,000
PA	E2007-BUSP-0520	514	Cumberland-Dauphin-Harrisburg Transit Authority-Purchase of Buses and Spare Units	238,000
PA	E2007-BUSP-0521	81	Easton, Pennsylvania-Design and construct Intermodal Transportation Center	401,280
PA	E2007-BUSP-0522	524	Erie, PA Metropolitan Transit Authority-Bus Acquisitions	238,000
PA	E2007-BUSP-0523	431	Erie, PA-EMTA Vehicle Acquisition	401,280
PA	E2007-BUSP-0524	331	Gettysburg, Pennsylvania-transit transfer center	180,375
PA	E2007-BUSP-0525	458	Hershey, Pennsylvania Intermodal Center and Parking Garage	60,000
PA	E2007-BUSP-0526	233	Intermodal Facilities in Bucks County (Croydon and Levittown Stations)	601,920
PA	E2007-BUSP-0531	583	Monroe Township, PA-Clarion County Buses	157,000
PA	E2007-BUSP-0532	588	New Castle, PA Area Transit Authority-Bus Purchases/Park and Ride Facility	176,000
PA	E2007-BUSP-0533	201	Philadelphia, PA Cruise Terminal Transportation Ctr. Phila. Naval Shipyard	702,240
PA	E2007-BUSP-0534	137	Philadelphia, PA Improvements to the existing Penns Landing Ferry Terminal	802,560
PA	E2007-BUSP-0535	413	Philadelphia, PA Penns Landing water shuttle parking lot expansion and water shuttle ramp infrastructure construction	220,704
PA	E2007-BUSP-0536	22	Philadelphia, PA Philadelphia Zoo Intermodal Transportation project w/parking consolidation, pedestrian walkways, public transportation complements & landscape improvements to surface parking lots	1,003,200
PA	E2007-BUSP-0537	274	Philadelphia, PA SEPTAs Market St. Elevated Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridors	280,896
PA	E2007-BUSP-0538	316	Philadelphia, Pennsylvania-SEPTA Market Street Elevated Line parking facility	802,560
PA	E2007-BUSP-0539	126	Pittsburgh, PA Clean Fuel Bus Procurement	100,320
PA	E2007-BUSP-0540	397	Pottsville, PA Union Street Trade and Transfer Center Intermodal Facility	401,280
PA	E2007-BUSP-0541	48	Project provides for the engineering and construction of a transportation center in Paoli, Chester County	200,640
PA	E2007-BUSP-0543	424	Sharon, PA-Bus Facility Construction	100,320
PA	E2007-BUSP-0544	626	Southeastern Pennsylvania Transportation Authority-Bucks County Intermodal (Croydon and Levittown)	714,000
PA	E2007-BUSP-0545	627	Southeastern Pennsylvania Transportation Authority-Paoli Transportation Center	714,000
PA	E2007-BUSP-0546	628	Southeastern Pennsylvania Transportation Authority-Villanova-SEPTA Intermodal	586,930
PA	E2007-BUSP-0547	642	Transit Authority of Warren County, PA-Impact Warren	238,000
PA	E2007-BUSP-0551	662	Williamsport, PA Bureau of Transportation-Williamsport Trade and Transit Centre Expansion	714,000
PA	E2007-BUSP-0552	65	York, Pennsylvania-Rabbit Transit facilities and communications equipment	555,873
PR	E2007-BUSP-0553	128	Bayamon, Puerto Rico-bus terminal	120,384

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
PR	E2007-BUSP-0554	421	Bayamon, Puerto Rico-Purchase of Trolley Cars	170,544
PR	E2007-BUSP-0555	3	Lares, PR-Trolley buses-for the purchase of two trolley buses that will offer transportation through the urban zone in the Municipality of Lares	52,969
PR	E2007-BUSP-0556	164	Puerto Rico-Caribbean National Forest buses and bus facilities	601,920
PR	E2007-BUSP-0557	152	San Juan, Puerto Rico-bus security equipment	601,920
PR	E2007-BUSP-0558	71	San Juan, Puerto Rico-Buses	200,640
PR	E2007-BUSP-0559	58	Yabucoca, Puerto Rico-Trolley Buses	35,112
RI	E2007-BUSP-0560	246	Providence, RI Expansion of Elmwood Paratransit Maintenance Facility	1,003,200
RI	E2007-BUSP-0561	604	Rhode Island, RIPTA Elmwood Facility Expansion	1,700,000
RI	E2007-BUSP-0562	115	Rhode Island Statewide Bus Fleet	1,203,840
SC	E2007-BUSP-0563	533	Greensville, SC Transit Authority-City of Greenville Multimodal Transportation Center Improvements	238,000
SC	E2007-BUSP-0564	619	South Carolina Department of Transportation-Transit Facilities Construction Program	476,000
SC	E2007-BUSP-0565	620	South Carolina Department of Transportation-Vehicle Acquisition Program	1,904,000
SD	E2007-BUSP-0566	621	South Dakota Department of Transportation-Statewide Buses and Bus Facilities	3,452,000
TN	E2007-BUSP-0567	237	Knoxville, Tennessee-Central Station Transit Center	2,046,528
TN	E2007-BUSP-0568	554	Knoxville, TN-Central Station	595,000
TN	E2007-BUSP-0569	565	Lipscomb University, TN-Intermodal Parking Garage	357,000
TN	E2007-BUSP-0570	579	Metropolitan Transit Authority-Nashville Downtown Transit Transfer Facility	2,856,000
TN	E2007-BUSP-0571	268	Nashville, TN Construct a parking garage on the campus of Lipscomb University, Nashville	401,280
TN	E2007-BUSP-0572	412	Nashville, TN Construct Downtown Nashville Transit Transfer Facility	300,960
TN	E2007-BUSP-0573	30	Sevier County, Tennessee-U.S. 441 bus rapid transit	50,160
TN	E2007-BUSP-0574	636	Tennessee Department of Transportation-Statewide Tennessee Transit ITS and Bus Replacement Project	2,856,000
TN	E2007-BUSP-0575	649	University of Memphis-Pedestrian Bridge	714,000
TX	E2007-BUSP-0576	426	Abilene, TX Vehicle replacement and facility improvements for transit system	80,256
TX	E2007-BUSP-0581	455	Carrollton, Texas Downtown Regional Multimodal Transit Hub	240,000
TX	E2007-BUSP-0583	111	Construct West Houston and Fort Bend County, Texas-bus transit corridor	401,280
TX	E2007-BUSP-0584	438	Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements	501,600
TX	E2007-BUSP-0585	515	Dallas Area Rapid Transit-Bus passenger Facilities	238,000
TX	E2007-BUSP-0586	336	Dallas, TX Bus Passenger Facilities	2,568,192
TX	E2007-BUSP-0588	290	Galveston, Texas-Intermodal center and parking facility, The Strand	902,880
TX	E2007-BUSP-0589	536	Harris County-West Houston-Fort Bend Bus Transit Corridor: Uptown Westpark Terminal	238,000
TX	E2007-BUSP-0590	561	Laredo-North Laredo Transit Hub-Bus Maintenance Facility	714,000
TX	E2007-BUSP-0591	24	Roma, TX Bus Facility	105,336
TX	E2007-BUSP-0592	610	San Angelo, TX Street Railroad Company-Transit Fleet Replacement	238,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
TX	E2007-BUSP-0595	63	Zapata, Texas Purchase Bus vehicles	62,700
UT	E2007-BUSP-0597	651	Utah Statewide Bus and Bus Facilities	2,004,535
VA	E2007-BUSP-0598	409	Alexandria, VA Eisenhower Avenue Inter-modal Station improvements, including purchase of buses and construction of bus shelters	501,600
VA	E2007-BUSP-0599	232	Alexandria, VA Royal Street Bus Garage Replacement	100,320
VA	E2007-BUSP-0600	278	Arlington County, VA Columbia Pike Bus Improvements	702,240
VA	E2007-BUSP-0601	142	Arlington County, VA Crystal City-Potomac Yard Busway, including construction of bus shelters	601,920
VA	E2007-BUSP-0602	359	Arlington County, VA Pentagon City Multimodal Improvements	401,280
VA	E2007-BUSP-0603	157	Bealeton, Virginia-Intermodal Station Depot Refurbishment	55,176
VA	E2007-BUSP-0604	492	City of Alexandria, VA-City-Wide Transit Improvements	238,000
VA	E2007-BUSP-0605	493	City of Alexandria, VA-Potomac Yard Transit Improvements	238,000
VA	E2007-BUSP-0606	494	City of Alexandria, VA-Replace Royal Street Bus Garage	714,000
VA	E2007-BUSP-0607	495	City of Alexandria, VA-Valley Pedestrian & Transit	238,000
VA	E2007-BUSP-0608	511	Commonwealth of Virginia-Statewide Bus Capital Program	3,402,000
VA	E2007-BUSP-0609	15	Fairfax County, VA Richmond Highway (U.S. Route1) Public Transportation Improvements	401,280
VA	E2007-BUSP-0610	525	Fairfax County, Virginia-Richmond Highway Initiative	476,000
VA	E2007-BUSP-0611	281	Falls Church, VA Falls Church Intermodal Transportation Center	401,280
VA	E2007-BUSP-0612	97	Fredericksburg, Virginia-Improve and repair Fredericksburg Station	501,600
VA	E2007-BUSP-0614	535	Hampton Roads Transit, VA-Southside Bus Facility	238,000
VA	E2007-BUSP-0615	391	Hampton Roads, VA Final design and construction for a Hampton Roads Transit Southside Bus Facility	401,280
VA	E2007-BUSP-0616	354	Norfolk, Virginia-Final Design and Construction Southside Bus Facility	351,120
VA	E2007-BUSP-0617	68	Northern Neck and Middle Peninsula, Virginia-Bay Transit Multimodal Facilities	652,080
VA	E2007-BUSP-0618	602	Potomac & Rappahannock Transportation Commission, VA-Buses for Service Expansion	238,000
VA	E2007-BUSP-0620	184	Richmond, VA Renovation and construction for Main Street Station	220,704
VA	E2007-BUSP-0621	434	Roanoke, VA-Bus restoration in the City of Roanoke	50,160
VA	E2007-BUSP-0622	312	Roanoke, Virginia-Improve Virginian Railway Station	50,160
VA	E2007-BUSP-0623	305	Roanoke, Virginia-Intermodal Facility	40,128
VA	E2007-BUSP-0624	361	Roanoke, Virginia-Roanoke Railway and Link Passenger facility	100,320
VT	E2007-BUSP-0625	477	Brattleborough, VT, Intermodal Center	200,000
VT	E2007-BUSP-0627	633	State of Vermont Buses, Facilities and Equipment	350,000
WA	E2007-BUSP-0628	94	Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	20,064
WA	E2007-BUSP-0629	395	Ilwaco, WA Construct park and ride	20,064
WA	E2007-BUSP-0630	337	Island Transit, WA Operations Base Facilities Project	481,536
WA	E2007-BUSP-0632	334	North Bend, Washington-Park and Ride	160,512
WA	E2007-BUSP-0633	333	Oak Harbor, WA Multimodal Facility	200,640

FEDERAL TRANSIT ADMINISTRATION
TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
WA	E2007-BUSP-0635	113	Snohomish County, WA Community Transit bus purchases and facility enhancement	601,920
WA	E2007-BUSP-0638	655	Washington, King Street Transportation Center-Intercity Bus Terminal Component	60,000
WV	E2007-BUSP-0643	73	West Virginia Construct Beckley Intermodal Gateway pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L.. 105-17	4,815,360
WV	E2007-BUSP-0644	658	West Virginia, Statewide Bus and Bus Facilities	5,000,000
WY	E2007-BUSP-0645	665	Wyoming Department of Transportation-Wyoming Statewide Bus and Bus Related Facilities	714,000
			Subtotal FY 2007 Unobligated Allocations	*$295,793,371*
FY 2007 Unobligated Ferry Boat Systems Projects Allocations				
MA	E2007-BUSP-0647	----------	Massachusetts Bay Transportation Authority Ferry System	2,500,000
ME	E2007-BUSP-0649	----------	Swans Island, Maine Ferry Service	350,000
NJ	E2007-BUSP-0650	----------	Camden, NJ Ferry System	1,000,000
NY	E2007-BUSP-0651	----------	Governors Island, New York Ferry System	1,000,000
NY	E2007-BUSP-0652	----------	Staten Island Ferry	1,000,000
PA	E2007-BUSP-0653	----------	Philadelphia Penns Landing Ferry Terminal	$1,000,000
			Subtotal FY 2007 Ferry Boat Systems Projects Unobligated Allocations	*$6,850,000*
FY 2006 & 2007 Unobligated Discretionary Allocations				
CA	D2007-BUSP-001	----------	San Diego - SWOOP	15,000,000
CA	D2007-BUSP-002	----------	San Francisco - Urban Partnership Agreement	58,000,000
FL	D2007-BUSP-003	----------	Miami - Urban Partnership Agreement	19,500,000
MN	D2007-BUSP-004	----------	Minneapolis - Urban Partnership Agreement	85,900,000
NY	D2007-BUSP-006	----------	New York City - Urban Partnership Agreement	213,600,000
WA	D2006-BUSP-007	----------	Seattle - Urban Partnership Agreement	24,893,251
WA	D2007-BUSP-007	----------	Seattle - Urban Partnership Agreement	16,106,749
			Subtotal FY 2006 & 2007 Unobligated Allocations	*$433,000,000*
			FY 2007 Unobligated Allocations Grand Total	**$735,643,371**
Fiscal Years 2000-FY 2004 Allocations Extended through FY 2008				
AK	E2004-BUSP-007	----------	Sawmill Creek Intermodal Facility	1,941,747
CA	E2004-BUSP-037	----------	Burbank Empire Area Transit Center, California	728,156
CA	E2004-BUSP-045	----------	Eastern Contra Costa County Park and Ride Lots	582,524
CA	E2004-BUSP-049	----------	Hybrid buses in Eureka/Eureka Intermodal Depot	242,718 m/
CA	E2004-BUSP-073	----------	Sacramento Regional Bus Expansion, Enhancement, and Coordination Program, City of Auburn	97,088
CT	E2003-BUSP-073	----------	Hollyhock Station/ Intermodal Transportation Center, Norwich	2,606,748
FL	E2004-BUSP-114	----------	North Florida and West Coast Bus Procurement	114,656
IA	E2004-BUSP-148	----------	UNI Multimodal Project	3,298,058
MA	E2002-BUSP-236	----------	Springfield Union Station Intermodal Facility	2,440,116

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation
MA	E2003-BUSP-147	----------	Attleboro Intermodal Mixed-Use Garage Facility	737,759
MA	E2003-BUSP-162	----------	Springfield Union Station Intermodal Redevelopment Project	5,902,072
MA	E2004-BUSP-201	----------	Springfield Union Station Intermodal Facility	4,368,931
MS	E2004-BUSP-273	----------	Intermodal Facility, JIA	1,941,747
MT	E2004-BUSP-278	----------	Liberty County COA Bus Facility	48,494
NY	E2000-BUSP-700	----------	Binghamton Intermodal Transportation Center	1,103,732
NY	E2002-BUSP-602	----------	Binghamton Intermodal Terminal	1,980,058
NY	E2003-BUSP-256	----------	Broome County, Binghampton Intermodal Terminal	983,679
NY	E2004-BUSP-312	----------	Broome County Hybrid Buses	582,524
NY	E2004-BUSP-315	----------	Fort Edward Intermodal Station Interior Restoration/Rehabilitation Project	291,262
OH	E2004-BUSP-342	----------	Central Ohio Transit Authority	436,894
TN	E2004-BUSP423	----------	Memphis International Airport Intermodal Facility	641,782
VT	E2004-BUSP-459	----------	Brattleboro Mulitimodal	1,206,753
VT	E2004-BUSP-460	----------	Burlington Transit Facilities	2,427,184
WA	E2004-BUSP-470	----------	Grant Transit Authority, Bus Facility	385,437
	Total Extended Allocations Grand Total			**$35,090,119**

Fiscal Year 2007 Reallocated Earmarks

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation	
CA	E2002-BUSP-601	----------	Orange County Transportation Authority	247,507	n/
VA	E2005-BUSP-714	----------	James City County Buses, Related Equipment and Facilities	815,334	o/
	FY 2007 Unobligated Reallocations Grand Total			**$1,062,841**	
	FY 2008 Unobligated Allocations Grand Total			**$1,127,186,665**	

a/ This allocation was incorrectly listed as a Georgia project in the Federal Register Notice of February 3, 2006.

b/ Funds originally designated for Intermodal Park and Ride Facility at Discovery, CA (E2006-BUSP-100) shall now be available to the Intermodal Park and Ride Facility at Discovery Science Center, Santa Ana, CA. The redirected funds are awarded to a State or local government entity and expended on activities that meet the buses criteria set forth in 49 U.S.C. 5309. (July 7, 2006 DOT response to Knollenberg/Bond letter May 12, 2006).

c/ This allocation was incorrectly listed as a Illinois project in the Federal Register Notice of February 3, 2006.

d/ The Statement of the Managers accompanying in the Fiscal Year 2006 DOT Appropriations bill includes $2,250,000 for GRTA Xpress Implement Buses. The funds shall be made available for both bus and bus facilities. (July 7, 2006 DOT response to Knollenberg/Bond letter May 12, 2006).

e/ This allocation was incorrectly listed as a California project and had the wrong project description in the Federal Register Notice of February 3, 2006.

f/ April 12, 2006, DOT response to Knollenberg/Bond letter January 12, 2006, listed specific projects for which funds were made available. $342,000 was previously obligated leaving a remaining balance of $54,000, for Lincoln County Senior Citizen Bus, Kentucky.

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

Prior Year Unobligated Section 5309 Bus and Bus-Related Facilities Allocations as of September 30, 2007

State	Earmark ID	SAFETEA-LU Project No.	Project	Unobligated Allocation

g/ Funds originally designated for MART Maintenance Facility, Fitchburg, MA. (E2006-BUSP-488), shall be available for the MART maintenance facility expansion, Worcester County, MA. (November 20, 2006, DOT Response to Knollenberg/Bond letter September 29, 2006).

h/ Funds originally designated for Automation Alley/BUSolutions, MI (E2006-BUSP-520), $1,300,000 made available to The Rapid, the transit provider in the Grand Rapids, Michigan area, for bus acquisition. $700,000 remains available to Automation Alley/BUSsolutions in Michigan. (April 12, 2006, DOT response to Knollenberg/Bond letter January 12, 2006).

i/ Funds were reprogrammed from Deneka Maintenance Facility, Michigan (E2006-BUSP-532) in response to Murray/Olver clarification letter dated August 2, 2007. The reprogrammed allocation is available for obligation through September 30, 2009.

j/ Funds originally designated for bus and bus facilities Clarkstown and White Plains, NY (E2006-BUSP-713), $200,000 made available to White Plains for bus and bus facilities. $100,000 made available to Rockland County, NY, to procure mini-buses for service in Clarkstown, NY. (April 12, 2006 DOT response to Knollenberg/Bond letter January 12, 2006).

k/ Funds were reprogrammed from Lakeside Center Hub, Prospect Park, Brooklyn, New York (E2006-BUSP-727) in response to Murray/Olver clarification letter dated August 2, 2007. The reprogrammed allocation is available for obligation through September 30, 2009.

l/ Funds were reprogrammed from Jamestown Natural Gas Bus Purchase (E2006-BUSP-1023) in response to Murray/Olver clarification letter dated August 2, 2007. The reprogrammed allocation is available for obligation through September 30, 2009.

m/ Funds originally designated for Bus and Bus facilities for the Eureka Intermodal Depot, CA (E2004-BUSP-049), shall be available for the purchase of hybrid buses in Eureka, CA. (DOT Response to Knollenberg/Bond letter September 29, 2006).

n/ Reprogrammed February 7, 2007 (response to Knollenberg/Bond letter of December 19, 2006). The reprogrammed allocation is available for obligation through September 30, 2009.

o/ Funds were reprogrammed from James City County natural gas buses, Virginia (E2005-BUSP-417) in response to Murray/Olver clarification letter dated August 2, 2007. The reprogrammed allocation is available for obligation through September 30, 2009.

FEDERAL TRANSIT ADMINISTRATION

TABLE 13

FY 2008 SECTION 5309 NEW STARTS ALLOCATIONS

STATE	EARMARK ID	PROJECT LOCATION AND DESCRIPTION	ALLOCATION
Alaska	E2008-NWST-001	Denali Commission	$5,000,000
Alaska/Hawaii	E2008-NWST-002	Alaska and Hawaii ferry projects	15,000,000
Arizona	E2008-NWST-003	Central Phoenix/East Valley LRT	88,200,000
California	E2008-NWST-004	AC Transit BRT Corridor - Alameda County	490,000
California	E2008-NWST-005	Metro Gold Line Eastside Light Rail Extension	78,400,000
California	E2008-NWST-006	Metro Rapid Bus System Gap Closure	16,347,380
California	E2008-NWST-007	Perris Valley Line Metrolink Extension	1,960,000
California	E2008-NWST-008	Rapid Transit (BRT) project, Livermore	2,940,000
California	E2008-NWST-010	Smart EIS and PE	1,960,000
California	E2008-NWST-011	South Sacramento Corridor, Phase 2	4,410,000
California	E2008-NWST-012	Telegraph Ave./International Blvd./E 14th St. BRT Corridor Improvements	1,960,000
California	E2008-NWST-013	Third Street Light Rail Project	11,760,000
Colorado	E2008-NWST-014	Southeast Corridor LRT	50,529,274
Colorado	E2008-NWST-015	West Corridor LRT Project	39,200,000
Connecticut	E2008-NWST-016	New Britain-Hartford Busway	3,271,632
District of Columbia/Maryland	E2008-NWST-017	Largo Metrorail Extension	34,300,000
Florida	E2008-NWST-018	JTA Bus Rapid Transit	9,329,600
Florida	E2008-NWST-019	Metrorail Orange Line Expansion	1,960,000
Hawaii	E2008-NWST-020	Honolulu High Capacity Transit Corridor	15,190,000
Illinois	E2008-NWST-021	METRA Connects Southeast Service	7,227,500
Illinois	E2008-NWST-022	METRA Star Line	7,227,500
Illinois	E2008-NWST-023	Metra Union Pacific Northwest Line	7,227,500
Illinois	E2008-NWST-024	Metra Union Pacific West Line	7,227,500
Illinois	E2008-NWST-025	Ravenswood Line Extension	39,200,000
Indiana	E2008-NWST-026	Northern Indiana Commuter Transit District Recapitalization	4,900,000
Kansas	E-2008-NWST-027	State Avenue BRT Corridor, Wyandotte County	1,470,000
Massachusetts	E2008-NWST-029	MBTA Fitchburg to Boston Rail Corridor Project	5,880,000
Massachusetts	E2008-NWST-030	North Shore Corridor and Blue Line Extension	1,960,000
Maryland	E-2008-NWST-028	MARC Commuter Rail Improvements and Rolling Stock	9,800,000
Minnesota	E2008-NWST-031	Central Corridor Light Rail	10,192,000
Minnesota	E2008-NWST-032	NorthStar Commuter Rail	53,900,000
Missouri	E2008-NWST-034	Troost Corridor Bus Rapid Transit	6,134,800
Mississippi	E2008-NWST-033	I-69 Mississippi HOV/BRT	7,546,000
North Carolina	E2008-NWST-041	Charlotte Rapid Transit	1,960,000
New Jersey	E2008-NWST-035	Hudson Bergen MOS-2	54,089,135
New Jersey	E2008-NWST-036	Monmouth-Ocean-Middlesex County Passenger Rail	980,000
New Jersey/Pennsylvania	E2008-NWST-037	Northwest NJ-Northeast PA passenger Rail Project	2,940,000
New Jersey	E2008-NWST-038	Trans-Hudson Midtown Corridor	14,700,000
New York	E2008-NWST-039	Long Island Rail Road East Side Access	210,700,000
New York	E2008-NWST-040	Second Avenue Subway Phase 1	167,810,300
Oregon	E2008-NWST-042	Lane Transit District, Pioneer Parkway EmX BRT Corridor	14,504,000
Oregon	E2008-NWST-043	I-205/Portland Mall LRT	78,400,000
Pennsylvania	E2008-NWST-044	Bus Rapid Transit, Cumberland County	294,000
Pennsylvania	E2008-NWST-045	CORRIDORone Regional Rail Project	10,976,000
Pennsylvania	E2008-NWST-046	North Shore LRT Connector	32,846,115
Rhode Island	E2008-NWST-047	Pawtucket/Central Falls Commuter Rail Station	1,960,000
Rhode Island	E2008-NWST-048	South County Commuter Rail Wickford Junction Station	12,269,449
Texas	E2008-NWST-049	DCTA Fixed Guideway/Engineering	245,000
Texas	E2008-NWSt-050	Galveston Rail Trolley	1,960,000
Texas	E2008-NWST-051	North Corridor, Houston and Southeast Corridor	19,600,000
Texas	E2008-NWST-052	Northwest/Southeast LRT MOS	84,525,000
Texas	E2008-NWST-053	VIA Bus Rapid Transit Corridor Project	4,900,000
Utah	E2008-NWST-054	Mid-Jordan Light Rail Extension	19,600,000
Utah	E2008-NWST-055	Provo Orem BRT	4,018,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 13

FY 2008 SECTION 5309 NEW STARTS ALLOCATIONS

STATE	EARMARK ID	PROJECT LOCATION AND DESCRIPTION	ALLOCATION
Utah	E2008-NWST-056	Weber County to Salt Lake City Commuter Rail	78,400,000
Virginia	E2008-NWST-057	Dulles Corridor Metrorail Project	34,300,000
Virginia	E2008-NWST-058	Norfolk LRT Project	23,030,000
Virginia	E2008-NWST-059	Route 1 BRT, Potomac Yard - Crystal City, Alexandria and Arlington	980,000
Virginia	E2008-NWST-060	Virginia Railway Express Extension - Gainesville/Haymarket, VA	490,000
Virginia	E2008-NWST-061	VRE Rolling Stock	3,920,000
Washington	E2008-NWST-062	Central Link Initial Segment	68,600,000
Washington	E2008-NWST-063	Pacific Highway South BRT. King County	13,794,480
Washington	E2008-NWST-064	University Link LRT Extension	19,600,000
----------	----------	Unallocated Balance	18,908,912
		TOTAL ALLOCATION.....	**$1,553,401,077**

FEDERAL TRANSIT ADMINISTRATION

TABLE 14

Prior Year Unobligated Section 5309 New Starts Allocations

State	Earmark ID	Project Location and Description	Unobligated Allocation	
FY 2005 and Prior Unobligated Allocations				
AL	E2004-NWST-001	Birmingham Transit Corridor, Alabama	$2,689,626	a/
CT	E2003-NWST-014	Bridgeport Connecticut, Intermodal Transportation	2,458,956	a/
DE	E2003-NWST-019	Wilmington, Delaware, Train Station Improvements	1,327,165	a/
DE	E-2003-NWST-106	Wilmington, Delaware, Downtown Transit Corridor	3,854,249	a/
DE	E2004-NWST-013	Wilmington, Delaware, Train Station Improvements	1,476,268	a/
HI	E2002-NWST-800	Honolulu, Hawaii Bus Rapid Transit	1,548,000	b/
NV	E2003-NWST-040	Las Vegas, Nevada, Resort Corridor Fixed Guideway	6,885,077	c/
NV	E2004-NWST-034	Las Vegas, Nevada, Resort Corridor Fixed Guideway	19,683,577	c/
NM	E2000-NWST-268	Greater Albuquerque Mass Rail Transit Project	3,326,316	d/
NM	E2001-NWST-307	Albuquerque/Greater Albuquerque Mass Transit Project	495,321	d/
NM	E2002-NWST-348	Albuquerque, NM Light Rail Project	990,013	d/
PA	E2004-NWST-041	Philadelphia, Pennsylvania, Schuylkill Valley MetroRail	13,778,504	e/
PA	E2005-NWST-043	Philadelphia, Pennsylvania, Schuylkill Valley MetroRail	9,920,000	e/
VA	E2002-NWST-700	Dulles Corridor Project	24,750,327	a/
VA	E2003-NWST-017	Dulles Corridor Project	26,064,934	a/
VA	E2004-NWST-012	Dulles Corridor Rapid Transit Project	19,683,577	a/
	Subtotal FY 2005 and Prior Unobligated Allocations		*$138,931,910*	
FY 2006 Unobligated Allocations				
AK, HI	E2006-NWST-001	Alaska and Hawaii Ferry	$3,702,406	
CA	E2006-NWST-010	Santa Barbara Coast Rail Track Improvement Project	980,100	
CA	E2006-NWST-003	ACE Gap Closure San Joaquin County	4,900,500	
CT	E2006-NWST-015	Stamford Urban Transitway	9,801,000	
DE	E2006-NWST-016	Northeast Corridor Commuter Rail Project	1,396,643	
FL	E2006-NWST-019	Ft. Lauderdale Downtown Rail Link	980,100	
FL	E2006-NWST-018	City of Miami Streetcar	1,960,200	
FL	E2006-NWST-020	Miami-Dade Transit County Metrorail Extension	9,801,000	
FL	E2006-NWST-017	Central Florida Commuter Rail System	2,427,245	
GA	E2006-NWST-021	Atlanta—Georgia 400 North Line Corridor Project	980,100	
IL	E2006-NWST-024	CTA Yellow Line	980,100	
IL	E2006-NWST-026	Ogden Avenue Transit Corridor/Circle Line	980,100	
MA	E2006-NWST-028	North Shore Corridor Blue Line Extension	1,960,200	
MA	E2006-NWST-030	Boston/Fitchburg Massachusetts Rail Corridor	1,960,200	
MD	E2006-NWST-032	Baltimore Red Line and Green Line	1,960,200	
MI	E2006-NWST-034	Detroit Center City Loop	3,920,400	
MI	E2006-NWST-033	Ann Arbor//Detroit Commuter Rail	4,900,500	
NC	E2006-NWST-039	Triangle Transit Authority Regional Rail System (Raleigh-Durham)	19,602,000	
NJ	E2006-NWST-041	Northern Branch Bergen County	2,450,250	
NJ	E2006-NWST-042	Northwest New Jersey-Northeast Pennsylvania Passenger Rail	9,801,000	
NM	E2006-NWST-044	Commuter Rail, Albuquerque to Santa Fe	490,050	d/
PA	E2006-NWST-051	Corridor One Regional Rail Project	1,470,150	
PA	E2006-NWST-053	Schuylkill Valley Metro	3,920,400	
RI	E2006-NWST-055	Rhode Island Integrated Commuter Rail Project	4,824,600	
VA	E2006-NWST-063	Gainesville-Haymarket VRE Service Extension	1,421,145	
VA	E2006-NWST-062	Dulles Corridor Rapid Transit Project, Virginia	29,403,000	
	Subtotal FY 2006 Unobligated Allocations		*$126,973,589*	

FEDERAL TRANSIT ADMINISTRATION

TABLE 14

Prior Year Unobligated Section 5309 New Starts Allocations

State	Earmark ID	Project Location and Description	Unobligated Allocation
FY 2007 Unobligated Allocations			
AK/HI	D2007-NWST-002	Alaska and Hawaii Ferry	$7,500,000
CA	D2007-NWST-005	Mission Valley East	806,654
CA	D2007-NWST-006	Oceanside Escondido Rail Project	684,040
CO	D2007-NWST-009	West Corridor LRT	35,000,000
IL	D2007-NWST-024	Union-Pacific West Line Extension	1,255,978
CA	D2007-NWST-030	Oakland Airport Connector (Public-Private Partnership Pilot Program)	24,999,999
	Subtotal FY 2007 Unobligated Allocations		*$70,246,671*
	Total Unobligated Allocations		**$336,152,170**

a/ Funds have been extended through FY 2008 per letter from Secretary Mary Peters dated September 28, 2007.

b/

SEC. 171. Notwithstanding any other provision of law, $8,900,000 of the funds made available under the new fixed guideway systems category of the Capital Investment Grant account in Public Law 107-87 for the Honolulu, Hawaii, bus rapid transit project shall be made available to the City and County of Honolulu for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under 49 U.S.C, 5309 and shall remain available to the City and County of Honolulu for those purposes until expended: Provided that any remaining unobligated balance from said project in Public Law 107-87 shall be transferred for any eligible activity under Title 23 of the United States Code, and administered under that Title, for use on improvements to the Kapolei Interchange Complex and shall remain available until expended: Provided further, that funds made available in Public Law 108-10 for Hawaii: BRT Systems, Appurtenances and Facilities shall be generally available for bus and bus facilities by the City and County of Honolulu {Amount transferred $2,980,157}.

c/ SEC. 168. Notwithstanding any other provision of law, funds made available for the Las Vegas Resort Corridor Fixed Guideway Project under the Federal Transit Administration Capital Investment Grants Account in any previous Appropriations Act, including Public Laws 108-7, 108-199, 108-447, and any unexpended funds in Federal Transit Administration grant number NV-03-0019 may hereafter be made available until expended to the Regional Transportation Commission of Southern Nevada for bus rapid transit projects and bus and bus-related projects: *Provided,* That funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

d/ SEC. 166. Amounts provided for a high capacity fixed guideway light rail and mass transit project for the City of Albuquerque, New Mexico, In Public Laws 106-69, 106-346 and 107-87 shall be available for bus and bus facilities.

SEC. 167. Any unobligated amounts made available for the Commuter Rail, Albuquerque to Santa Fe, New Mexico under the heading "Capital Investment Grants" under the heading "Federal Transit Administration" in title I of division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2418) shall be made available for public transportation buses, equipment and facilities related to such buses,· and intermodal terminal in Albuquerque and Santa Fe, New Mexico, subject to the requirements under section 5309 of title 49, United States Code.

e/ SEC. 198. Notwithstanding any other provision of law, the funding made available for the Schuylkill Valley Metro project through the Department of Transportation Appropriations Acts for Federal Fiscal Years 2004 and 2005 shall remain available for that project during fiscal year 2008.

FEDERAL TRANSIT ADMINISTRATION

TABLE 15

FY 2008 SECTION 5310 SPECIAL NEEDS FOR ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES APPORTIONMENTS

STATE	APPORTIONMENT
Alabama	$2,210,452
Alaska	289,932
American Samoa	64,431
Arizona	2,310,471
Arkansas	1,419,351
California	13,519,389
Colorado	1,605,504
Connecticut	1,560,638
Delaware	451,128
District of Columbia	388,258
Florida	8,621,557
Georgia	3,229,934
Guam	171,098
Hawaii	627,290
Idaho	598,139
Illinois	4,990,242
Indiana	2,623,262
Iowa	1,349,247
Kansas	1,208,766
Kentucky	2,037,248
Louisiana	2,028,257
Maine	708,734
Maryland	2,156,888
Massachusetts	2,866,287
Michigan	4,150,000
Minnesota	1,900,167
Mississippi	1,423,426
Missouri	2,504,953
Montana	496,174
N. Mariana Islands	65,731
Nebraska	799,459
Nevada	978,878
New Hampshire	601,121
New Jersey	3,647,812
New Mexico	883,421
New York	8,659,089
North Carolina	3,613,409
North Dakota	390,665
Ohio	4,854,264
Oklahoma	1,674,720
Oregon	1,551,867
Pennsylvania	5,731,456
Puerto Rico	1,948,375
Rhode Island	608,489
South Carolina	1,924,849
South Dakota	431,548
Tennessee	2,685,218
Texas	8,020,301
Utah	793,467
Vermont	367,352
Virgin Islands	161,864
Virginia	2,832,364
Washington	2,407,859
West Virginia	1,068,122
Wisconsin	2,198,265
Wyoming	312,464
TOTAL	**$126,723,652**

FEDERAL TRANSIT ADMINISTRATION

TABLE 16

FY 2008 SECTION 5311 AND SECTION 5340 NONURBANIZED APPORTIONMENTS AND SECTION 5311(b)(3) RURAL TRANSIT ASSISTANCE PROGRAM (RTAP) APPORTIONMENTS

(Note: In accordance with language in the SAFETEA-LU conference report apportionments for Section 5311 and Section 5340 were combined to show a single amount. The State's apportionment under the column heading "Section 5311 and 5340 Apportionment" includes Section 5311 and Growing States funds.)

STATE	SECTIONS 5311 AND 5340 APPORTIONMENT	SECTION 5311(b)(3) APPORTIONMENT
Alabama	$12,560,325	$183,010
Alaska	5,739,838	81,448
American Samoa	215,123	12,698
Arizona	8,979,858	122,570
Arkansas	9,585,483	150,363
California	21,523,150	246,402
Colorado	7,903,336	116,251
Connecticut	2,560,925	91,234
Delaware	1,196,584	76,894
Florida	12,928,345	183,311
Georgia	16,276,758	214,583
Guam	581,467	17,290
Hawaii	1,859,481	82,689
Idaho	5,532,989	97,501
Illinois	13,413,760	191,295
Indiana	12,866,972	190,717
Iowa	9,587,286	150,311
Kansas	8,883,440	134,725
Kentucky	12,157,689	181,556
Louisiana	9,587,271	156,048
Maine	5,138,609	110,255
Maryland	4,709,671	112,047
Massachusetts	3,299,830	98,623
Michigan	16,359,796	223,226
Minnesota	12,053,851	168,969
Mississippi	10,911,756	166,944
Missouri	13,106,098	182,948
Montana	7,125,274	96,458
N. Mariana Islands	33,117	10,354
Nebraska	6,204,684	107,673
Nevada	4,653,801	80,161
New Hampshire	3,311,766	97,210
New Jersey	3,067,835	96,108
New Mexico	7,753,480	110,054
New York	16,584,700	228,499
North Carolina	20,930,691	266,956
North Dakota	3,761,873	84,374
Ohio	18,888,065	255,343
Oklahoma	10,709,923	157,633
Oregon	9,257,269	133,062
Pennsylvania	19,127,233	256,671
Puerto Rico	1,331,090	80,631
Rhode Island	548,833	70,661
South Carolina	10,515,107	165,694
South Dakota	4,658,829	91,384
Tennessee	13,411,318	193,308
Texas	32,047,150	350,191
Utah	4,577,679	87,844
Vermont	2,487,530	88,710
Virginia	11,765,034	176,385
Washington	9,050,845	139,893
West Virginia	6,359,931	125,905
Wisconsin	12,747,924	183,730
Wyoming	4,403,652	82,324
TOTAL	**$484,834,324**	**$7,561,124**

FEDERAL TRANSIT ADMINISTRATION

Table 17

FY 2008 NATIONAL RESEARCH PROGRAMS ALLOCATIONS

State	Earmark ID	Project	Allocation 1/
Alabama	E2008-NATR-6701	Transportation Hybrid Electric Vehicle and Fuel Cell Research -- University of Alabama	$487,000
Alabama	E2008-NATR-6702	Transportation Infrastructure and Logistics Research - University of Alabama - Huntsville	487,000
Alabama	E2008-NATR-6703	Trauma Care System Research and Development - University of Alabama - Birmingham	500,000
California	E2008-NATR-6704	Regional Transit Training Consortium Pilot Program - Southern CA Regional Transit Training Consortiı	380,000
California	E2008-NATR-7101	Center for Transit Oriented Development	1,000,000
Connecticut	E2008-NATR-6705	Advanced Technology Bus Rapid Transit Project -- Southeastern CT Advanced Technology BRT Projɛ	550,000
Connecticut	E2008-NATR-6706	Greater New Haven Transit District Fuel Cell-Powered Bus Research	535,700
District of Columbia	E2008-NATR-6501	Project ACTION	3,000,000
Florida	E2008-NATR-6707	National Bus Rapid Transit Institute -- University of South Florida	1,750,000
Kentucky	E2008-NATR-6708	Application of Information Technology to Transportation Logistics and Security -- Northern Kentucky Uı	400,000
Maryland	E2008-NATR-6709	Transit Career Ladder Training Program	1,000,000
New Jersey	E2008-NATR-6710	Center for Advanced Transportation Initiatives - Rutgers Center for Advanced Transportation Initiatives	525,960
New Jersey	E2008-NATR-7102	Institute of Technology's Transportation, Economic, and Land Use System -- NJ TELUS	540,000
North Dakota	E2008-NATR-6711	Small Urban and Rural Transit Center -- North Dakota State University	1,200,000
Ohio	E2008-NATR-6712	Intelligent Transportation System Pilot Project -- Ohio State University	465,000
Oregon	E2008-NATR-6713	Portland, Oregon Streetcar Prototype Purchase and Deployment - TriMet	1,000,000
Pennsylvania	E2008-NATR-6714	Regional Public Safety Training Center -- Lehigh-Carbon Community College	500,000
Pennsylvania	E2008-NATR-6715	Transit Security Training Facility -- Chester County Community College	750,000
Wisconsin	E2008-NATR-8501	Wisconsin Supplemental Transportation Rural Assistance Program -- WI DOT	2,000,000
----------	E2008-NATR-6502	Human Services Transportation Coordination	1,600,000
----------	E2008-NATR-6503	National Technical Assistance Center for Senior Transportation (Section 5314(b))	1,000,000
----------	E2008-NATR-6716	Pilot Program for Remote Infrared Audible Signs	500,000
----------	E2008-NATR-7103	Public Transportation Participation Pilot Program	1,000,000
----------	E2008-NATR-6801	Transportation Equity Research Program	1,000,000
	SUBTOTAL ALLOCATION NATIONAL RESEARCH AND TECHNOLOGY PROGRAM		**$22,170,660**
District of Columbia	E2007-NATR-6719	Transit Cooperative Research Program	9,300,000
District of Columbia	E2007-NATR-6720	University Transportation Centers Program	7,000,000
New Jersey	E2007-NATR-6721	National Transit Institute	4,300,000
	TOTAL ALLOCATION NATIONAL RESEARCH PROGRAMS		**$42,770,660**

1/ Allocations include Small Business Innovative Research takedown when applicable.

FEDERAL TRANSIT ADMINISTRATION

TABLE 18

FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
200,000 or more in Population	$93,600,000
50,000-199,999 in Population	31,200,000
Nonurbanized	31,200,000
National Total	$156,000,000
Amounts Apportioned to Urbanized Areas 200,000 or more in Population:	
Aguadilla--Isabela--San Sebastian, PR	$606,196
Akron, OH	284,159
Albany, NY	263,564
Albuquerque, NM	372,593
Allentown--Bethlehem, PA--NJ	247,119
Anchorage, AK	95,877
Ann Arbor, MI	138,450
Antioch, CA	96,759
Asheville, NC	130,233
Atlanta, GA	1,533,655
Atlantic City, NJ	110,897
Augusta-Richmond County, GA--SC	218,644
Austin, TX	463,727
Bakersfield, CA	363,443
Baltimore, MD	994,653
Barnstable Town, MA	85,777
Baton Rouge, LA	336,513
Birmingham, AL	406,655
Boise City, ID	111,059
Bonita Springs--Naples, FL	83,722
Boston, MA--NH--RI	1,568,925
Bridgeport--Stamford, CT--NY	297,484
Buffalo, NY	553,406
Canton, OH	128,918
Cape Coral, FL	168,452
Charleston--North Charleston, SC	250,897
Charlotte, NC--SC	317,412
Chattanooga, TN--GA	192,854
Chicago, IL--IN	4,040,150
Cincinnati, OH--KY--IN	661,393
Cleveland, OH	887,771
Colorado Springs, CO	193,510
Columbia, SC	218,879
Columbus, GA--AL	170,343
Columbus, OH	557,107
Concord, CA	114,908
Corpus Christi, TX	228,973
Dallas--Fort Worth--Arlington, TX	2,269,598
Davenport, IA--IL	143,773
Dayton, OH	346,607

FEDERAL TRANSIT ADMINISTRATION

TABLE 18

FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Daytona Beach--Port Orange, FL	155,920
Denton--Lewisville, TX	95,126
Denver--Aurora, CO	797,623
Des Moines, IA	145,508
Detroit, MI	1,924,064
Durham, NC	174,094
El Paso, TX--NM	731,701
Eugene, OR	151,884
Evansville, IN--KY	113,439
Fayetteville, NC	173,666
Flint, MI	236,614
Fort Collins, CO	97,941
Fort Wayne, IN	137,266
Fresno, CA	547,871
Grand Rapids, MI	236,681
Greensboro, NC	132,157
Greenville, SC	176,778
Gulfport--Biloxi, MS	133,286
Harrisburg, PA	135,152
Hartford, CT	359,315
Honolulu, HI	338,080
Houston, TX	2,541,879
Huntsville, AL	104,035
Indianapolis, IN	528,627
Indio--Cathedral City--Palm Springs, CA	191,472
Jackson, MS	214,893
Jacksonville, FL	451,793
Kansas City, MO--KS	594,424
Knoxville, TN	240,323
Lancaster, PA	124,670
Lancaster--Palmdale, CA	186,992
Lansing, MI	172,136
Las Vegas, NV	697,802
Lexington-Fayette, KY	142,835
Lincoln, NE	107,275
Little Rock, AR	221,069
Los Angeles--Long Beach--Santa Ana, CA	9,145,710
Louisville, KY--IN	460,157
Lubbock, TX	163,461
Madison, WI	153,242
McAllen, TX	762,205
Memphis, TN--MS--AR	665,119
Miami, FL	3,195,924
Milwaukee, WI	669,585
Minneapolis--St. Paul, MN	815,163
Mission Viejo, CA	126,482
Mobile, AL	263,089
Modesto, CA	235,771
Nashville-Davidson, TN	380,754
New Haven, CT	228,721

FEDERAL TRANSIT ADMINISTRATION

TABLE 18

FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
New Orleans, LA	853,144
New York--Newark, NY--NJ--CT	10,337,593
Ogden--Layton, UT	160,623
Oklahoma City, OK	485,367
Omaha, NE--IA	294,652
Orlando, FL	627,350
Oxnard, CA	212,497
Palm Bay--Melbourne, FL	185,671
Pensacola, FL--AL	203,356
Peoria, IL	135,495
Philadelphia, PA--NJ--DE--MD	2,486,346
Phoenix--Mesa, AZ	1,641,374
Pittsburgh, PA	862,302
Port St. Lucie, FL	153,138
Portland, OR--WA	744,409
Poughkeepsie--Newburgh, NY	157,867
Providence, RI--MA	628,467
Provo--Orem, UT	189,198
Raleigh, NC	191,500
Reading, PA	123,924
Reno, NV	154,616
Richmond, VA	371,204
Riverside--San Bernardino, CA	1,171,104
Rochester, NY	345,261
Rockford, IL	127,242
Round Lake Beach--McHenry--Grayslake, IL--WI	52,717
Sacramento, CA	840,084
Salem, OR	233,799
Salt Lake City, UT	369,517
San Antonio, TX	982,995
San Diego, CA	1,599,930
San Francisco--Oakland, CA	1,428,014
San Jose, CA	527,163
San Juan, PR	3,626,498
Santa Rosa, CA	120,123
Sarasota--Bradenton, FL	256,014
Savannah, GA	153,647
Scranton, PA	220,192
Seattle, WA	1,098,266
Shreveport, LA	228,230
South Bend, IN--MI	139,319
Spokane, WA--ID	204,071
Springfield, MA--CT	315,281
Springfield, MO	135,473
St. Louis, MO--IL	974,557
Stockton, CA	300,556
Syracuse, NY	233,347
Tallahassee, FL	151,404
Tampa--St. Petersburg, FL	1,116,859
Temecula--Murrieta, CA	99,494

FEDERAL TRANSIT ADMINISTRATION

TABLE 18

FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Thousand Oaks, CA	53,779
Toledo, OH--MI	287,988
Trenton, NJ	113,095
Tucson, AZ	504,066
Tulsa, OK	325,777
Victorville--Hesperia--Apple Valley, CA	149,348
Virginia Beach, VA	705,098
Washington, DC--VA--MD	1,361,243
Wichita, KS	207,727
Winston-Salem, NC	151,002
Worcester, MA--CT	204,772
Youngstown, OH--PA	250,026
TOTAL	$93,600,000

Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 199,999 in Population

Alabama	$873,064
Alaska	39,342
Arizona	314,702
Arkansas	561,182
California	3,250,094
Colorado	523,283
Connecticut	319,070
Delaware	53,699
Florida	1,818,785
Georgia	996,384
Hawaii	58,980
Idaho	337,686
Illinois	717,435
Indiana	767,883
Iowa	461,632
Kansas	211,163
Kentucky	287,063
Louisiana	906,338
Maine	275,630
Maryland	342,773
Massachusetts	292,960
Michigan	972,110
Minnesota	263,787
Mississippi	162,636
Missouri	325,209
Montana	249,223
N. Mariana Islands	90,433
Nebraska	16,628
Nevada	43,057
New Hampshire	249,880
New Jersey	160,009
New Mexico	308,949
New York	586,162

FEDERAL TRANSIT ADMINISTRATION

TABLE 18

FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
North Carolina	995,606
North Dakota	189,038
Ohio	731,702
Oklahoma	198,155
Oregon	253,163
Pennsylvania	958,648
Puerto Rico	2,936,281
South Carolina	559,922
South Dakota	141,523
Tennessee	650,733
Texas	3,500,180
Utah	144,056
Vermont	74,708
Virginia	665,225
Washington	865,764
West Virginia	592,936
Wisconsin	793,781
Wyoming	111,348
TOTAL	$31,200,000

Amounts Apportioned to State Governors for Nonurbanized Areas Less than 50,000 in Population

Alabama	$1,044,281
Alaska	101,712
American Samoa	93,844
Arizona	561,451
Arkansas	787,401
California	1,589,285
Colorado	295,318
Connecticut	76,096
Delaware	69,345
Florida	901,389
Georgia	1,236,793
Guam	93,970
Hawaii	124,139
Idaho	269,522
Illinois	703,245
Indiana	629,275
Iowa	448,944
Kansas	447,199
Kentucky	1,137,998
Louisiana	974,226
Maine	300,966
Maryland	194,171
Massachusetts	121,319
Michigan	837,321
Minnesota	535,912
Mississippi	1,128,763
Missouri	918,232

FEDERAL TRANSIT ADMINISTRATION

TABLE 18

FY 2008 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Montana	271,751
N. Mariana Islands	53,389
Nebraska	278,828
Nevada	83,648
New Hampshire	130,353
New Jersey	103,609
New Mexico	525,891
New York	1,000,593
North Carolina	1,573,055
North Dakota	143,682
Ohio	1,070,775
Oklahoma	847,284
Oregon	428,977
Pennsylvania	1,137,207
Puerto Rico	404,460
Rhode Island	17,801
South Carolina	871,933
South Dakota	215,556
Tennessee	1,016,470
Texas	2,489,262
Utah	153,342
Vermont	138,667
Virgin Islands	94,346
Virginia	731,562
Washington	527,332
West Virginia	616,308
Wisconsin	532,101
Wyoming	119,701
TOTAL	$31,200,000

FEDERAL TRANSIT ADMINISTRATION

Table 19

Prior Year Unobligated Job Access and Reverse Commute Allocations

State	Earmark ID	Project and Description	Unobligated Allocation
FY 2002 Unobligated Congressional Allocations			
AR	E2002-JARC-005	Central Arkansas Transit Authority	$500,000
CA	E2002-JARC-008	Del Norte County, California	73,400
NY	E2002-JARC-054	Columbia County, New York	100,000
VA	E2002-JARC-082	Winchester, Virginia	1,000,000
	Subtotal FY 2002 Unobligated Allocations		*$1,673,400*
FY 2003 Unobligated Congressional Allocations			
NY	E2003-JARC-065	Chemung County Transit	74,300
NY	E2003-JARC-066	Columbia County	99,067
OH	E2003-JARC-078	STEP-UP Job Access Project Dayton	123,834
	Subtotal FY 2003 Unobligated Allocations		*$297,201*
FY 2004 Unobligated Congressional Allocations			
AK	E2004-JARC-000	Craig Transit Service JARC Program	$49,563
CA	E2004-JARC-013	City of Irwindale Senior Transportation Services	64,432
CA	E2004-JARC-014	Guaranteed Ride Home, Santa Clarita	396,504
FL	E2004-JARC-024	Key West, Florida Job Access Reverse Commute	495,630
MD	E2004-JARC-040	VoxLinx Voice-Enabled Transit Trip Planner	1,288,638
NJ	E2004-JARC-050	New Jersey Community Development Corporation Transportation Opportunity Center	297,378
NY	E2004-JARC-070	Ulster County Area Transit Rural Feeder Service	49,563
SD	E2004-JARC-083	Cheyenne River Sioux Tribe Public Bus System	247,815
TN	E2004-JARC-087	Monroe County TN Job Access Reverse Commute Program	99,126
VA	E2004-JARC-101	Virginia Beach Paratransit Services	198,252
	Subtotal FY 2004 Unobligated Allocations		*$3,186,901*
FY 2005 Unobligated Congressional Allocations			
AK	E2005-JARC-000	Craig transit JARC, Alaska	$49,559
AK	E2005-JARC-003	Mobility Coalition, Alaska	33,899
AK	E2005-JARC-005	Seward Transit JARC, Alaska	198,236
AL	E2005-JARC-007	ARC of Madison County, Alabama	79,734
AL	E2005-JARC-008	Easter Seals of Central Alabama	495,590
CA	E2005-JARC-013	Guaranteed Ride Program, California	136,687
CA	E2005-JARC-014	Job Access Transit, Hayward, California	211
CO	E2005-JARC-017	Colorado Transit Coalition JARC	539
DC	E2005-JARC-021	Washington Metro Job Access Initiative	569,530
GA	E2005-JARC-025	Chatham JARC, Georgia	1,982,362
GA	E2005-JARC-026	Dooly-Crisp Unified Transportation System, Georgia	198,236
LA	E2005-JARC-037	Louisiana Statewide JARC	543,958
MI	E2005-JARC-042	DCC Community Health & Safety Transport Project, Michigan	297,354
NY	E2005-JARC-058	Central New York Job Access Reverse Commute, New York	495,590
PA	E2005-JARC-071	Philadelphia Unemployment Project (PUP), Pennsylvania	706,772
TN	E2005-JARC-077	Children's Health Fund JARC, Tennessee	495,590
TX	E2005-JARC-081	Abilene JARC, Texas	148,677
WI	E2005-JARC-094	Ways to Work, Wisconsin	170,591
WI	E2005-JARC-095	Wisconsin Statewide JARC	2,577,071
	Subtotal FY 2005 Unobligated Allocations		*$9,180,186*
	Total Unobligated Allocations		**$14,337,688**

FEDERAL TRANSIT ADMINISTRATION

TABLE 20

FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
UZAs 200,000 or more in Population	$52,500,000
UZAs 50,000-199,999 in Population	17,500,000
Nonurbanized	17,500,000
National Total	$87,500,000

Amounts Apportioned to Urbanized Areas 200,000 or more in Population:

Aguadilla--Isabela--San Sebastian, PR	$136,219
Akron, OH	175,729
Albany, NY	168,911
Albuquerque, NM	197,394
Allentown--Bethlehem, PA--NJ	168,538
Anchorage, AK	56,320
Ann Arbor, MI	66,328
Antioch, CA	65,464
Asheville, NC	83,737
Atlanta, GA	960,308
Atlantic City, NJ	79,753
Augusta-Richmond County, GA--SC	116,838
Austin, TX	214,792
Bakersfield, CA	141,598
Baltimore, MD	686,430
Barnstable Town, MA	85,262
Baton Rouge, LA	151,577
Birmingham, AL	234,346
Boise City, ID	69,079
Bonita Springs--Naples, FL	79,062
Boston, MA--NH--RI	1,213,817
Bridgeport--Stamford, CT--NY	256,735
Buffalo, NY	326,286
Canton, OH	80,357
Cape Coral, FL	126,721
Charleston--North Charleston, SC	140,241
Charlotte, NC--SC	208,580
Chattanooga, TN--GA	123,647
Chicago, IL--IN	2,464,753
Cincinnati, OH--KY--IN	434,958
Cleveland, OH	557,899
Colorado Springs, CO	117,433
Columbia, SC	125,222
Columbus, GA--AL	86,129
Columbus, OH	310,480
Concord, CA	131,551
Corpus Christi, TX	100,328
Dallas--Fort Worth--Arlington, TX	1,224,858
Davenport, IA--IL	79,629
Dayton, OH	218,344

FEDERAL TRANSIT ADMINISTRATION

TABLE 20

FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Daytona Beach--Port Orange, FL	104,398
Denton--Lewisville, TX	56,358
Denver--Aurora, CO	548,970
Des Moines, IA	100,051
Detroit, MI	1,287,647
Durham, NC	77,573
El Paso, TX--NM	218,835
Eugene, OR	68,261
Evansville, IN--KY	74,068
Fayetteville, NC	84,357
Flint, MI	131,015
Fort Collins, CO	46,552
Fort Wayne, IN	81,912
Fresno, CA	197,405
Grand Rapids, MI	144,929
Greensboro, NC	81,513
Greenville, SC	106,157
Gulfport--Biloxi, MS	79,038
Harrisburg, PA	99,619
Hartford, CT	266,767
Honolulu, HI	215,310
Houston, TX	1,143,418
Huntsville, AL	60,475
Indianapolis, IN	372,501
Indio--Cathedral City--Palm Springs, CA	96,550
Jackson, MS	95,348
Jacksonville, FL	295,009
Kansas City, MO--KS	402,807
Knoxville, TN	143,942
Lancaster, PA	91,501
Lancaster--Palmdale, CA	81,405
Lansing, MI	84,602
Las Vegas, NV	461,314
Lexington-Fayette, KY	74,863
Lincoln, NE	55,603
Little Rock, AR	125,339
Los Angeles--Long Beach--Santa Ana, CA	3,909,408
Louisville, KY--IN	292,192
Lubbock, TX	64,291
Madison, WI	73,942
McAllen, TX	176,870
Memphis, TN--MS--AR	330,671
Miami, FL	1,812,295
Milwaukee, WI	382,608
Minneapolis--St. Paul, MN	566,502
Mission Viejo, CA	116,959
Mobile, AL	125,889
Modesto, CA	113,578
Nashville-Davidson, TN	233,826
New Haven, CT	162,582

FEDERAL TRANSIT ADMINISTRATION

TABLE 20

FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
New Orleans, LA	373,817
New York--Newark, NY--NJ--CT	6,174,341
Ogden--Layton, UT	99,495
Oklahoma City, OK	254,915
Omaha, NE--IA	163,361
Orlando, FL	379,497
Oxnard, CA	110,615
Palm Bay--Melbourne, FL	144,732
Pensacola, FL--AL	112,415
Peoria, IL	74,885
Philadelphia, PA--NJ--DE--MD	1,621,772
Phoenix--Mesa, AZ	882,893
Pittsburgh, PA	537,753
Port St. Lucie, FL	110,654
Portland, OR--WA	455,925
Poughkeepsie--Newburgh, NY	98,481
Providence, RI--MA	411,763
Provo--Orem, UT	56,031
Raleigh, NC	117,755
Reading, PA	75,780
Reno, NV	98,716
Richmond, VA	246,655
Riverside--San Bernardino, CA	488,267
Rochester, NY	207,608
Rockford, IL	83,907
Round Lake Beach--McHenry--Grayslake, IL--WI	50,051
Sacramento, CA	456,947
Salem, OR	66,319
Salt Lake City, UT	237,095
San Antonio, TX	452,883
San Diego, CA	782,442
San Francisco--Oakland, CA	1,026,459
San Jose, CA	431,494
San Juan, PR	980,013
Santa Rosa, CA	86,516
Sarasota--Bradenton, FL	217,629
Savannah, GA	76,355
Scranton, PA	147,956
Seattle, WA	776,717
Shreveport, LA	96,364
South Bend, IN--MI	87,716
Spokane, WA--ID	110,338
Springfield, MA--CT	205,909
Springfield, MO	66,725
St. Louis, MO--IL	615,455
Stockton, CA	117,398
Syracuse, NY	124,194
Tallahassee, FL	46,193
Tampa--St. Petersburg, FL	810,746
Temecula--Murrieta, CA	63,967

FEDERAL TRANSIT ADMINISTRATION

TABLE 20

FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Thousand Oaks, CA	49,657
Toledo, OH--MI	165,673
Trenton, NJ	86,186
Tucson, AZ	241,262
Tulsa, OK	182,937
Victorville--Hesperia--Apple Valley, CA	68,385
Virginia Beach, VA	404,827
Washington, DC--VA--MD	995,163
Wichita, KS	127,777
Winston-Salem, NC	90,487
Worcester, MA--CT	144,796
Youngstown, OH--PA	144,258
TOTAL	**$52,500,000**

Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 199,999 in Population

Alabama	$461,307
Alaska	21,594
Arizona	149,479
Arkansas	308,104
California	1,791,470
Colorado	297,100
Connecticut	284,473
Delaware	35,342
Florida	1,343,559
Georgia	486,490
Hawaii	50,368
Idaho	175,059
Illinois	396,288
Indiana	449,801
Iowa	262,055
Kansas	123,503
Kentucky	168,742
Louisiana	474,537
Maine	192,882
Maryland	306,367
Massachusetts	208,460
Michigan	649,053
Minnesota	154,004
Mississippi	74,770
Missouri	182,973
Montana	127,330
N. Mariana Islands	27,431
Nebraska	7,637
Nevada	34,807
New Hampshire	239,119
New Jersey	127,416
New Mexico	136,167
New York	355,994

FEDERAL TRANSIT ADMINISTRATION

TABLE 20

FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
North Carolina	721,643
North Dakota	109,460
Ohio	494,460
Oklahoma	84,450
Oregon	129,324
Pennsylvania	581,758
Puerto Rico	783,818
South Carolina	399,539
South Dakota	96,373
Tennessee	407,771
Texas	1,538,918
Utah	54,777
Vermont	45,840
Virginia	400,674
Washington	554,830
West Virginia	349,624
Wisconsin	573,215
Wyoming	69,845
TOTAL	**$17,500,000**

Amounts Apportioned to State Governors for Nonurbanized Areas Less than 50,000 in Population

Alabama	$593,188
Alaska	48,132
American Samoa	8,442
Arizona	252,753
Arkansas	427,649
California	735,768
Colorado	165,834
Connecticut	79,263
Delaware	51,006
Florida	571,500
Georgia	675,768
Guam	24,632
Hawaii	69,887
Idaho	115,244
Illinois	451,110
Indiana	494,529
Iowa	293,637
Kansas	255,724
Kentucky	620,456
Louisiana	415,683
Maine	188,723
Maryland	166,638
Massachusetts	104,913
Michigan	592,092
Minnesota	338,350
Mississippi	503,909
Missouri	490,229

FEDERAL TRANSIT ADMINISTRATION

TABLE 20

FY 2008 SECTION 5317 NEW FREEDOM APPORTIONMENTS

URBANIZED AREA/STATE	APPORTIONMENT
Montana	112,685
N. Mariana Islands	811
Nebraska	147,715
Nevada	61,203
New Hampshire	127,777
New Jersey	79,825
New Mexico	192,650
New York	616,468
North Carolina	964,523
North Dakota	68,012
Ohio	710,395
Oklahoma	431,297
Oregon	290,791
Pennsylvania	714,873
Puerto Rico	89,841
Rhode Island	18,680
South Carolina	490,086
South Dakota	89,826
Tennessee	631,396
Texas	1,200,758
Utah	70,190
Vermont	87,543
Virgin Islands	17,021
Virginia	493,576
Washington	294,645
West Virginia	320,582
Wisconsin	382,898
Wyoming	58,874
TOTAL	**$17,500,000**

FEDERAL TRANSIT ADMINISTRATION

TABLE 21

Prior Year Unobligated Section 5339 Alternatives Analysis Allocations

FY 2006 Unobligated Allocations

State	Earmark ID	Project Location and Description	Allocation
IL	E-2006-ALTA-001	Metra BNSF Naperville to Aurora Corridor Study	$1,237,500
MN	E-2006-ALTA-004	Minnesota Red Rock Corridor/Rush Line/Central Corridor Studies	1,480,000
MS	E-2006-ALTA-005	Madison-Ridgeland Transportation Commission, Mississippi, Madison LRT Corridor Study	346,500
NM	E-2006-ALTA-010	Middle Rio Grande Coalition of Governments, Albuquerque to Santa Fe Corridor Study	495,000
SC	E-2006-ALTA-013	South Carolina Department of Transportation Light Rail Study	297,000
TN	E-2006-ALTA-014	Sevierville County Transportation Board, Sevier County BRT Study	495,000
	Subtotal Unobligated Allocations		**$4,351,000**

FY 2007 Unobligated Allocations

State	Earmark ID	Project Location and Description	Allocation
CA	E2007-ALTA-001	San Gabriel Valley-Gold Line Foothill Extension Corridor Study	$1,250,000
IL	E2007-ALTA-002	Metra BNSF Naperville to Aurora Corridor Study	1,250,000
MN	E2007-ALTA-005	Minnesota Red Rock Corridor/Rush Line/Central Corridors Studies	2,000,000
MS	E2007-ALTA-006	Madison-Ridgeland Transportation Commission, Mississippi, Madison LRT Corridor Study	350,000
NC	E2007-ALTA-007	Piedmont Authority Regional Transportation East-West Corridor Study	1,000,000
NJ	E2007-ALTA-008	Trans-Hudson Midtown Corridor Study	1,500,000
NJ	E2007-ALTA-009	Monmouth-Ocean-Middlesex Counties, New Jersey Corridor Study	1,250,000
NJ	E2007-ALTA-010	New Jersey Transit Midtown Project Study	2,500,000
NM	E2007-ALTA-011	Middle Rio Grande Coalition of Governments, Albuquerque to Santa Fe Corridor Study	500,000
OR	E2007-ALTA-012	Lane County, Oregon Bus Rapid Transit Phase II Corridor Study	500,000
SC	E2007-ALTA-014	South Carolina Department of Transportation Light Rail Study	300,000
TN	E2007-ALTA-015	Sevierville County Transportation Board, Sevier County BRT Study	500,000
	Subtotal Unobligated Allocations		**$12,900,000**

FY 2007 Unobligated Discretionary Allocations

State	Earmark ID	Grantee	Allocation
AZ	D2006-ALTA-001	City of Phoenix , RPTA, METRO, MAG	$993,600
CA	D2006-ALTA-002	Los Angeles County Metropolitan Transportation Authority	2,000,000
CA	D2006-ALTA-003	Alameda-Contra Costa Transit District	350,000
CA	D2006-ALTA-004	Valley Transit Authority	480,000
CO	D2006-ALTA-005	Regional Transportation District	600,000
FL	D2006-ALTA-006	Hillsborough Area Regional Transit	93,600
FL	D2006-ALTA-007	Hillsborough Area Regional Transit	69,335
FL	D2006-ALTA-008	City of Orlando	240,000
FL	D2006-ALTA-009	Sarasota County Area Transit	194,405
GA	D2006-ALTA-010	Metropolitan Atlanta Rapid Transit Authority	260,800
IA	D2006-ALTA-011	Ames Transit Agency (CyRide)	160,000
IL	D2006-ALTA-012	Pace Suburban Bus	280,000
MO	D2007-ALTA-014	Kansas City Area Transportation Authority	201,600
MO	D2007-ALTA-015	Kansas City Area Transportation Authority	120,000
NY	D2007-ALTA-016	New York State Metropolitan Transportation Authority	2,000,000
OH	D2007-ALTA-017	Mid-Ohio Regional Planning Council	400,000
OK	D2007-ALTA-018	Metropolitan Tulsa Transportation Authority	137,600
OR	D2007-ALTA-019	Lane Transit District	300,000
OR	D2007-ALTA-020	Metro	100,000
SC	D2007-ALTA-021	Berkeley-Charleston-Dorchester COG	360,000
TN	D2007-ALTA-022	Memphis Area Transit Authority	200,000
TX	D2007-ALTA-023	Dallas Area Rapid Transit	318,500
TX	D2007-ALTA-024	North Central Texas Council of Governments	784,000
WA	D2007-ALTA-025	Kitsap Transit	326,560
WI	D2007-ALTA-026	City of Madison	200,000
-----		Unallocated	139,000
	Subtotal Unobligated Allocations		**$11,309,000**
	Total Unobligated Allocations		**$28,560,000**

[FR Doc. 08–214 Filed 1–25–08; 8:45 am]
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Federal Register

Monday,
January 28, 2008

Part III

Environmental Protection Agency

Sixty-First Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments; Notice

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2007–1124; FRL–8347–1]

Sixty-First Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) transmitted its 61st ITC Report to the Administrator of EPA on December 18, 2007. In the 61st ITC Report, which is included with this notice, the ITC is revising the TSCA section 4(e) *Priority Testing List* by adding 4 cresols and removing 35 High Production Volume (HPV) Challenge Program orphan chemicals. The cresols were added to obtain dermal sensitization data. To obtain dermal sensitization data, including case reports of workers and any *in vivo* animal sensitization test data, the ITC is asking EPA to add the 4 cresols to the TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rule. The 35 HPV Challenge Program orphan chemicals are being removed from the *Priority Testing List* either because: Commitments were made to sponsor these chemicals under the EPA's HPV Challenge Program, the Organization for Economic Cooperation and Development (OECD) HPV Screening Information Data Set (SIDS) Program, and/or the International Council of Chemical Associations (ICCA) HPV Initiative, or because the substances were determined by EPA to be ''no longer'' HPV chemical substances.

DATES: Comments must be received on or before February 27, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2007–1124, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2007–1124. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2007–1124. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This notice is directed to the public in general. It may, however, be of particular interest to you if you manufacture (defined by statute to include import) and/or process TSCA-covered chemicals and you may be identified by the North American Industrial Classification System (NAICS) codes 325 and 32411. Because this notice is directed to the general public and other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-DOM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In

addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

The Toxic Substances Control Act (TSCA) (15 U.S.C. 260l *et seq.*) authorizes the Administrator of EPA to promulgate regulations under TSCA section 4(a) requiring testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the ITC to recommend chemicals and chemical groups to the Administrator of EPA for priority testing consideration. Section 4(e) of TSCA directs the ITC to revise the TSCA section 4(e) *Priority Testing List* at least every 6 months.

You may access additional information about the ITC at *http://www.epa.gov/opptintr/itc.*

A. The 61st ITC Report

The ITC is revising the TSCA section 4(e) *Priority Testing List* by adding 4 cresols and removing 35 HPV Challenge Program orphan chemicals. The cresols were added to obtain dermal sensitization data. To obtain dermal sensitization data, including case reports of workers and any *in vivo* animal sensitization test data, the ITC is asking EPA to add the 4 cresols to the HaSDR rule. The 35 HPV Challenge Program orphan chemicals are being removed from the *Priority Testing List* either because:

1. Commitments were made to sponsor these chemicals under the EPA's HPV Challenge Program, the OECD HPV SIDS Program, and/or the ICCA HPV Initiative, or

2. Because the substances were determined by EPA to be ''no longer'' HPV chemical substances.

B. Status of the Priority Testing List

The *Priority Testing List* includes 2 alkylphenols, 4 cresols, 5 tungsten compounds, 12 lead compounds, 16 chemicals with insufficient dermal absorption rate data, and 208 HPV Challenge Program orphan chemicals.

List of Subjects

Environmental protection, Chemicals, Hazardous substances.

Dated: January 18, 2008.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

Sixty-First Report of the TSCA Interagency Testing Committee to the Administrator, U.S. Environmental Protection Agency

Table of Contents

Summary

I. Background

II. TSCA Section 8 Reporting

A. TSCA Section 8 Reporting Rules

B. ITC's Use of TSCA Section 8 and Other Information

C. New Request to Add Chemicals to the TSCA Section 8(d) HaSDR Rule

III. ITC's Activities During this Reporting Period (June to November 2007)

IV. Revisions to the TSCA Section 4(e) Priority Testing List

A. Chemicals Added to the Priority Testing List

B. Chemicals Removed from the Priority Testing List

V. References

VI. The TSCA Interagency Testing Committee

Summary

The ITC is revising the Toxic Substances Control Act (TSCA) section 4(e) *Priority Testing List* by adding 4 cresols and removing 35 High Production Volume (HPV) Challenge Program orphan chemicals. The cresols were added to obtain dermal sensitization data. To obtain dermal sensitization data, including case reports of workers and any *in vivo* animal sensitization test data, the ITC is asking EPA to add the 4 cresols to the TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rule. The 35 HPV Challenge Program orphan chemicals are being removed from the *Priority Testing List* either because:

1. Commitments were made to sponsor these chemicals under the EPA's HPV Challenge Program, the Organization for Economic Cooperation and Development (OECD) HPV Screening Information Data Set (SIDS) Program, and/or the International Council of Chemical Associations (ICCA) HPV Initiative, or

2. Because the substances were determined by EPA to be ''no longer'' HPV chemical substances.

TABLE 1.—TSCA SECTION 4(E) PRIORITY TESTING LIST (NOVEMBER 2007)

ITC Report	Date	Chemical Name/Group	Action
31	January 1993	2 Chemicals with insufficient dermal absorption rate data	Designated
32	May 1993	10 Chemicals with insufficient dermal absorption rate data	Designated
35	November 1994	4 Chemicals with insufficient dermal absorption rate data	Designated
37	November 1995	Branched 4-nonylphenol (mixed isomers)	Recommended
41	November 1997	Phenol, 4-(1,1,3,3-tertramethylbutyl)-	Recommended

TABLE 1.—TSCA SECTION 4(E) PRIORITY TESTING LIST (NOVEMBER 2007)—Continued

ITC Report	Date	Chemical Name/Group	Action
53	November 2003	5 Tungsten compounds	Recommended
55	December 2004	204 HPV Challenge Program orphan chemicals	Recommended
56	August 2005	4 HPV Challenge Program orphan chemicals	Recommended
60	May 2007	Category of Lead and lead compounds (including 12 examples of substances in the category)	Recommended
61	November 2007	4 Cresols	Recommended

I. Background

The ITC was established by section 4(e) of TSCA ''to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of rules for testing under section 4(a).... At least every six months ..., the Committee shall make such revisions to the *Priority Testing List* as it determines to be necessary and transmit them to the Administrator together with the Committee's reasons for the revisions'' (Public Law 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*). ITC reports are available from the ITC's website (*http://www.epa.gov/opptintr/itc*) within a few days of submission to the EPA Administrator and from the EPA's website (*http://www.epa.gov/fedrgstr*) after publication in the **Federal Register**. The ITC produces its revisions to the *Priority Testing List* with administrative and technical support from the ITC staff, ITC members, and their U.S. Government organizations, and contract support provided by EPA. ITC members and staff are listed at the end of this report.

II. TSCA Section 8 Reporting

A. TSCA Section 8 Reporting Rules

Following receipt of the ITC's report (and the revised *Priority Testing List*) by the EPA Administrator, the EPA's Office of Pollution Prevention and Toxics (OPPT) may add the chemicals from the revised *Priority Testing List* to the TSCA section 8(a) Preliminary Assessment Information Reporting (PAIR) or TSCA section 8(d) HaSDR rules. As provided for in the PAIR rule, whenever EPA announces the receipt of an ITC report, EPA amends, unless otherwise instructed by the ITC, the PAIR rule by adding the recommended (or designated) chemicals that have been added to the *Priority Testing List* by the ITC. The PAIR rule requires manufacturers (including importers) of chemicals added to the *Priority Testing List* to submit to EPA certain production and exposure information (*http://www.epa.gov/oppt/chemtest/pubs/pairform.pdf*). The HaSDR rule requires certain past, current, and proposed manufacturers, importers, and (if specified by EPA) processors of listed chemicals to submit to EPA copies and lists of unpublished health and safety studies on the listed chemicals that they manufacture, import, or (if specified by EPA) process. As provided for in the HaSDR rule, whenever EPA announces the receipt of an ITC report, EPA amends, unless otherwise instructed by the ITC, the HaSDR rule by adding the recommended (or designated) chemicals that have been added to the *Priority Testing List* by the ITC.

B. ITC's Use of TSCA Section 8 and Other Information

The ITC's use of TSCA section 8 and other information is described in the 52nd ITC Report (Ref.1).

C. New Request to Add Chemicals to the TSCA Section 8(d) HaSDR Rule

The ITC is requesting that EPA add cresols to the HaSDR rule only to obtain dermal sensitization data, including case reports of workers and any *in vivo* animal sensitization test data. The ITC is requesting that EPA not add cresols to the PAIR rule. The cresols are discussed in Unit IV. of this report.

III. ITC's Activities During this Reporting Period (June to November 2007)

During this reporting period, the ITC discussed cresols.

IV. Revisions to the TSCA Section 4(e) Priority Testing List

A. Chemicals Added to the Priority Testing List

The ITC is adding the cresols listed in Table 2 of this unit to the *Priority Testing List* to obtain unpublished data on dermal sensitization, including case reports of workers and any *in vivo* animal sensitization test data.

TABLE 2.—CRESOLS BEING ADDED TO THE PRIORITY TESTING LIST

CAS No.	Cresol
95–48–7	Phenol, 2-methyl-
106–44–5	Phenol, 4-methyl-
108–39–4	Phenol, 3-methyl-
1319–77–3	Phenol, methyl-

The ITC is aware of the skin sensitization data for phenol, 4-methyl- (*p* -cresol) available at *http://www.oecd.org/dataoecd/17/29/34357669.pdf*. While these data indicate that phenol, 4-methyl- did not cause skin sensitization, data on a mixture containing 0.6% phenol, 4-methyl- did indicate that the mixture caused skin sensitization (Ref. 2).

B. Chemicals Removed from the Priority Testing List

The ITC is removing the 35 HPV Challenge Program orphan chemicals listed in Table 3 of this unit from the *Priority Testing List*.

TABLE 3.—HPV CHALLENGE PROGRAM ORPHAN CHEMICALS BEING REMOVED FROM THE PRIORITY TESTING LIST

CAS No.	Chemical Name	Reference No.
74–97–5	Methane, bromochloro-	3

TABLE 3.—HPV CHALLENGE PROGRAM ORPHAN CHEMICALS BEING REMOVED FROM THE PRIORITY TESTING LIST—Continued

CAS No.	Chemical Name	Reference No.
75–46–7	Methane, trifluoro-	3
77–86–1	1,3-Propanediol, 2-amino-2-(hydroxymethyl)-	3
99–51–4	Benzene, 1,2-dimethyl-4-nitro-	3
100–64–1	Cyclohexanone, oxime	3
107–45–9	2-Pentanamine, 2,4,4-trimethyl-	3
150–50–5	Phosphorotrithious acid, tributyl ester	4
579–66–8	Benzenamine, 2,6-diethyl-	3
693–07–2	Ethane, 1-chloro-2-(ethylthio)-	3
1115–20–4	Propanoic acid, 3-hydroxy-2,2-dimethyl-, 3-hydroxy-2,2-dimethylpropyl ester	3
1459–93–4	1,3-Benzenedicarboxylic acid, 1,3-dimethyl ester	3
1558–33–4	Silane, dichloro(chloromethyl)methyl-	3
2611–00–9	3-Cyclohexene-1-carboxylic acid, 3-cyclohexen-1-ylmethyl ester	3
3088–31–1	Ethanol, 2-[2-(dodecyloxy)ethoxy]-, 1-(hydrogen sulfate), sodium salt (1:1)	3
3338–24–7	Phosphorodithioic acid, O,O-diethyl ester, sodium salt (1:1)	4
3710-84–7	Ethanamine, N-ethyl-N-hydroxy-	3
6863–58–7	Butane, 2,2'-oxybis-	3
6865–35–6	Octadecanoic acid, barium salt (2:1)	3
7320–37–8	Oxirane, 2-tetradecyl-	3
14666–94–5	9-Octadecenoic acid (9Z)-, cobalt salt (1:?)	3
20469–71–0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)	3
28777–98–2	2,5-Furandione, dihydro-3-(octadecenyl)-	3
32072–96–1	2,5-Furandione, 3-(hexadecenyl)dihydro-	3
33509–43–2	1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-	3
61789–32–0	Fatty acids, coco, 2-sulfoethyl esters, sodium salts	3
65996–80–7	Ammonia liquor (coal)	3
65996–81–8	Fuel gases, coke-oven	3
66071–94–1	Corn, steep liquor	3
68476–80–2	Fats and Glyceridic oils, vegetable, deodorizer distillates	3
68478–20–6	Residues, (petroleum), steam-cracked petroleum distillates cyclopentadiene conc., C4-cyclopentadiene-free	3
68514–41–0	Ketones, C12–branched	3
68603–84–9	Carboxylic acids, C5-9	3
68937–70–2	Carboxylic acids, C6–18 and C8–15-di-	3
68937–72–4	Carboxylic acids, di-, C4–11	3
72162–28–8	2-Propanone, reaction products with phenol	3

Twenty-six of the HPV Challenge Program orphan chemicals are being removed from the *Priority Testing List* because commitments were made to sponsor 22 chemicals in the HPV Challenge Program and 4 chemicals in either the OECD SIDS Program or the ICCA HPV Initiative (Ref. 3). Seven chemicals are being removed from the *Priority Testing List* because EPA no longer considers them to be HPV chemical substances (Ref. 3). Two of the HPV Challenge Program orphan chemicals are being removed from the *Priority Testing List* because they were incorrectly listed as HPV Challenge Program orphan chemicals (Ref. 4). Thirty-four of the HPV Challenge Program orphan chemicals are being removed from the 55th ITC Report (Ref. 5). One HPV Challenge Program orphan chemical, 1,3-propanediol, 2-amino-2-(hydroxymethyl)-, is being removed from the 56th ITC Report (Ref. 6).

V. References

1. ITC. Fifty-Second Report of the ITC. **Federal Register** (68 FR 43607, July 23, 2003) (FRL–7314–4). Available on-line at: *http://www.epa.gov/fedrgstr*.

2. Ciba-Geigy Limited. 1987. Initial submission: Tinuvin P step 1 wet cake: skin sensitization test in guinea pigs (final report) with cover letter dated 07–15–92. Document Control Number 88–920004379.

3. EPA. Withdrawal of Certain Chemicals from Preliminary Assessment Information Reporting and Health and Safety Data Reporting Rules. **Federal Register** (71 FR 57439, September 29, 2006) (FRL–8096–5). Available on-line at: *http://www.epa.gov/fedrgstr*.

4. EPA. Removal of Two Chemical Substances from Preliminary Assessment Information Reporting and Health and Safety Data Reporting Rules. **Federal Register** (72 FR 21119, April 30, 2007) (FRL–8124–9). Available on-line at: *http://www.epa.gov/fedrgstr*.

5. ITC. Fifty-Fifth Report of the ITC. **Federal Register** (70 FR 7364, February 11, 2005) (FRL–7692–1). Available on-line at: *http://www.epa.gov/fedrgstr*.

6. ITC. Fifty-Sixth Report of the ITC. **Federal Register** (70 FR 61520, October 24, 2005) (FRL–7739–9). Available on-line at: *http://www.epa.gov/fedrgstr*.

VI. The TSCA Interagency Testing Committee

Statutory Organizations and Their Representatives

Council on Environmental Quality
Vacant

Department of Commerce

National Institute of Standards and Technology
Dianne Poster, Member, Chair

National Oceanographic and Atmospheric Administration
Tony Pait, Member

Environmental Protection Agency
John Schaeffer, Member
Gerry Brown, Alternate

National Cancer Institute
Vacant

National Institute of Environmental Health Sciences
Scott Masten, Alternate

National Institute for Occupational Safety and Health
Dennis W. Lynch, Member, Vice Chair
Mark Toraason, Alternate

National Science Foundation
Judy Raper, Member
Marge Cavanaugh, Alternate

Occupational Safety and Health Administration
Maureen Ruskin, Member
Thomas Nerad, Alternate

Liaison Organizations and Their Representatives

Agency for Toxic Substances and Disease Registry
Daphne Moffett, Member
Glenn D. Todd, Alternate

Consumer Product Safety Commission
Jacqueline Ferrante, Member

Department of Agriculture
Clifford P. Rice, Member
Laura L. McConnell, Alternate

Department of Defense
Laurie Roszell, Member

Department of the Interior
Barnett A. Rattner, Member

Food and Drug Administration
Kirk Arvidson, Alternate
Ronald F. Chanderbhan, Alternate

Technical Support Contractor
Syracuse Research Corporation

ITC Staff
John D. Walker, Director
Carol Savage, Administrative Assistant

TSCA Interagency Testing Committee (7401M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; e-mail address: *savage.carol@epa.gov*; url: *http://www.epa.gov/opptintr/itc*.

[FR Doc. E8–1413 Filed 1–25–08; 8:45 am]

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Federal Register

Vol. 73, No. 18

Monday, January 28, 2008

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Presidential Documents

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The United States Government Manual	**741–6000**

Other Services

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Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, JANUARY

1–388 2
389–810 3
811–1042 4
1043–1266 7
1267–1492 8
1493–1814 9
1815–1960 10
1961–2142 11
2143–2410 14
2411–2792 15
2793–3180 16
3181–3376 17
3377–3614 18
3615–3860 22
3861–4050 23
4051–4448 24
4449–4682 25
4683–5084 28

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7746 (See 8214) 1439
7747 (See 8214) 1439
8097 (See 8214) 1439
8214 1439
8215 3375
8216 3855
8217 4673

Executive Orders:
11858 (Amended by 13456) 4677
12919 (Revoked in part by 13456) 4677
12947 (See Notice of Jan. 18, 2008) 3859
13420 (Superseded by 13454) 1481
13454 1481
13455 4445
13456 4677

Administrative Orders:
Presidential Determinations:
No. 2008-6 of December 12, 2007 3849
No. 2008-7 of December 14, 2007 3851
Memorandums:
Memorandum of Dec. 17, 2007 1813

5 CFR

531 1493
1201 2143

Proposed Rules:
293 3410
532 3220
591 772

6 CFR

Proposed Rules:
19 2187

7 CFR

3 1
987 3377

Proposed Rules:
457 3411
1160 4762

9 CFR

93 3379
94 ..... 1043, 3379
95 3379

Proposed Rules:
2 413
3 413

10 CFR

72 17
609 1961
707 3861

Proposed Rules:
Ch. I 826
20 ..... 3221, 3812
30 3812
40 3812
50 3812
70 3812
72 3812
73 2435
430 3653

12 CFR

229 1267
303 2143
308 2143
309 2143
558 17
563 17
564 17
567 17
574 17

Proposed Rules:
226 1672
360 2364
361 420

13 CFR

101 1962

14 CFR

23 ..... 19, 389, 3385
25 27
39 ..... 29, 394, 395, 397, 400, 1044, 1046, 1048, 1052, 1055, 1269, 1815, 1816, 1964, 1968, 2793, 2795, 2797, 2799, 2801, 2803, 3615, 3618, 3620, 3621, 3623, 3625, 3863, 4051, 4053, 4055, 4057, 4059, 4061, 4063, 4066, 4683
71 ..... 1271, 3625, 4069, 4070, 4071, 4449, 4450
95 4685
97 ..... 4071, 4073, 4075

Proposed Rules:
21 3655
23 ..... 3881, 3882, 3884, 4763
39 ..... 73, 75, 77, 80, 84, 87, 830, 833, 1556, 1558, 1842, 1844, 1846, 1848, 2190, 2192, 2195, 2197, 2200, 2204, 2206, 3417, 3419, 3422, 3425, 3428, 3656, 3885, 3887, 3889, 3891, 4121, 4123, 4125, 4127, 4129, 4497
71 ..... 3430, 3431

15 CFR

700 32

730 32
740 32
743 32
744 32
745 32
746 32
748 32
750 32
752 32
754 32
774 32

17 CFR

210 ....934, 986
228 934
229 934
230 ....934, 986
239 ....934, 986
240 ....934, 4450, 4690
249 ....934, 986, 4690
260 934
269 934
275 4690
279 4690

Proposed Rules:

3 4499
30 4499

18 CFR

11 3626
37 2984
38 38
40 1770
260 1014
284 ....38, 1014
385 1014
806 1272
808 1272

Proposed Rules:

284 ....1116, 4131

19 CFR

351 3634

Proposed Rules:

4 ....90, 1299
12 ....90, 1299
18 ....90, 1299
19 2843
101 ....90, 1299
103 ....90, 1299
113 ....90, 1299
122 ....90, 1299
123 ....90, 1299
141 ....90, 1299
143 1299
144 2843
149 ....90, 1299
192 ....90, 1299

20 CFR

404 ....1970, 2411
405 2411
416 ....1970, 2411

21 CFR

201 402
208 402
209 402
510 4077
520 ....2808, 4077
522 2808
526 ....811, 3181
558 811
1271 3387

Proposed Rules:

101 4765
314 2848
601 2848
606 1983
610 1983
630 1983
640 1983
660 1983
814 2848
820 1983
1270 1983
1309 3432

22 CFR

22 3867
51 ....3867, 4077

23 CFR

Proposed Rules:

634 268
655 268

24 CFR

200 1430
206 1434
291 1974
970 3867

25 CFR

Proposed Rules:

502 3223
542 3224
543 3224
546 3223
547 3224

26 CFR

1 ....2416, 3868, 4695
301 1058
602 3868

Proposed Rules:

1 ....421, 1131, 1850, 1851, 2436, 3441, 4131
31 4765
301 ....1131, 1851

28 CFR

0 1493
27 1493

29 CFR

1601 3387
4022 2420
4044 2420

Proposed Rules:

1910 1299
1926 3893

30 CFR

Proposed Rules:

916 3894
931 1983

31 CFR

1 1817
103 1975

Proposed Rules:

210 1560

32 CFR

Proposed Rules:

1701 113

33 CFR

100 4459
110 4469
117 ....41, 1273, 1274, 1495, 4472
137 2146
165 ....43, 1274, 1276, 1280, 3650, 4078, 4695

Proposed Rules:

117 1565
165 1133

34 CFR

462 2306

Proposed Rules:

674 1300
682 1300
685 1300
686 1300

36 CFR

13 3181

Proposed Rules:

7 2436
294 1135
1190 2308
1191 2308
1193 4132
1194 4132
1195 2309

37 CFR

382 4080

Proposed Rules:

201 3898

38 CFR

3 1075
21 ....1076, 2421

Proposed Rules:

4 ....428, 432

39 CFR

20 2156

Proposed Rules:

111 1158

40 CFR

50 1497
51 4420
52 ....48, 1282, 1819, 2156, 2159, 2162, 2163, 2428, 3187, 3190, 3192, 3389, 3396, 4105, 4109
60 3568
62 3194
63 ....226, 1738, 1916, 3568
70 4473
72 4312
75 4312
81 ....2162, 2163, 3396
85 3568
90 3568
93 4420
180 ....51, 52, 1503, 1508, 1512, 1517, 1976, 2809, 2812
260 57
261 57
271 1077
1048 3568
1065 3568
1068 3568

Proposed Rules:

50 ....836, 1568
51 1402
52 ....125, 836, 1162, 1175, 1570, 1851, 1853, 2209, 2210, 2436, 3224, 3225, 3226, 3446, 3447, 4133
62 3900
63 4136
70 4502
81 ....1162, 1175, 3447
93 1402
704 2854
720 2854
721 2854
723 2854

41 CFR

102-72 2166
102-84 2167

42 CFR

72 3874
409 2568
410 ....2431, 2568
411 2568
413 2568
414 ....404, 2431, 2433, 2568
415 2568
418 2568
423 2568
424 ....2431, 2568
482 2568
484 ....2431, 2568
485 2568
488 3405

Proposed Rules:

422 1301
423 1301
424 4503
441 3546

43 CFR

Proposed Rules:

46 126

44 CFR

64 ....2816, 4697
65 ....2818, 2822, 2827
67 ....2830, 2835

Proposed Rules:

67 ....2859, 2868, 2873, 2880, 4144, 4156
206 2187

45 CFR

1304 1285
1306 1285

Proposed Rules:

1355 2082

47 CFR

0 813
13 4475
64 ....1297, 3197
73 ....3202, 3652, 4113, 4492, 4493
76 1080
80 4475

Proposed Rules:

Ch. I 546
25 2437
27 2437
61 1306
69 1306
73 ....1576, 1577, 2211, 4513
76 1195

48 CFR

Ch. 8 2712
25 3409

204.....1822, 4113
207 .....1823, 1826, 4114
209.....1823, 1826
212 .....1822, 4114, 4115
217.....1826
222.....4115
225.....4113, 4115
232.....4116
234.....1823, 4117
235.....1823, 4117
237.....1826
239.....1828
244.....4113
246.....1826
252 .....1822, 1823, 1828, 1830, 4115, 4116
1516.....1978
1533.....1978
1552.....1978
Proposed Rules:
252.....1853

49 CFR

171.....4699
172.....1089, 4699
173.....4699
175.....4699
177.....4699
178.....4699
180.....4699
563.....2168
604.....2326
Proposed Rules:
192.....1307
571.....3901
574.....4157

50 CFR

17 .....1525, 3146, 4720
229.....4118
600.....406
622.....406, 3218
648 .....411, 820, 2184, 4736, 4758
660.....4759
679 .....823, 1554, 1555, 1831, 3218, 3879, 4493, 4494, 4760
Proposed Rules:
17 .....1312, 1855, 3228, 4380
224.....1986
300.....140, 4514
600.....4514
622.....439
648.....441
697.....4514

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JANUARY 28, 2008

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pacific halibut and sablefish; published 12-28-07

Caribbean, Gulf, and South Atlantic fisheries—

Commercial gulf reef fish vessels; vessel monitoring system requirements; published 12-27-07

Northeastern United States fisheries—

Northeast multispecies; published 12-27-07

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Grants and agreements:

Nonprocurement debarment and suspension; OMB guidance; implementation; published 12-27-07

Mortgage and loan insurance programs:

Hospital Mortgage Insurance Program; published 11-28-07

PERSONNEL MANAGEMENT OFFICE

Retirement:

Retirement Systems Modernization Project; published 12-28-07

SECURITIES AND EXCHANGE COMMISSION

Form MSD etc.; Technical Amendments; published 1-28-08

Securities:

Primary securities offerings on Forms S-3 and F-3; eligibility requirements; published 12-27-07

SOCIAL SECURITY ADMINISTRATION

Organization and procedures:

Prescribed applications, forms, and other publications; private printing; published 12-27-07

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Intertechnique Zodiac Aircraft Systems; published 1-11-08

Airworthiness standards:

Special conditions—

Boeing Model 787-8 airplane; published 12-28-07

TREASURY DEPARTMENT

Internal Revenue Service

Calculating and Apportioning the Section 11(b)(1) Additional Tax Under Section 1561 for Controlled Groups; Correction; published 1-28-08

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Avocados grown in South Florida; comments due by 2-8-08; published 12-10-07 [FR E7-23827]

Pistachios grown in California; comments due by 2-5-08; published 12-7-07 [FR 07-05989]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Mediterranean fruit fly; comments due by 2-5-08; published 12-7-07 [FR E7-23770]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fisheries of the Northeastern United States:

Northeast Multispecies Fishery, Total Allowable Catches for Eastern Georges Bank Cod, etc.; comments due by 2-4-08; published 1-3-08 [FR E7-25580]

DEFENSE DEPARTMENT

Defense Acquisition Regulations System

Acquisition regulations:

Government equipment lease for display or demonstration; costs allowability; comments due by 2-5-08; published 12-7-07 [FR E7-23654]

Ground and flight risk clause; comments due by 2-5-08; published 12-7-07 [FR E7-23657]

ENVIRONMENTAL PROTECTION AGENCY

Air programs:

Ambient air quality standards, national—

Data handling conventions and computations; correcting amendments; comments due by 2-8-08; published 1-9-08 [FR 07-05954]

Data handling conventions and computations; correcting amendments; comments due by 2-8-08; published 1-9-08 [FR 07-05953]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NOx RACT Determinations for Merck and Co., Inc.; comments due by 2-4-08; published 1-4-08 [FR E7-25641]

Approval and Promulgation of Air Quality Implementation Plans;

Michigan; PSD Regulations; comments due by 2-8-08; published 1-9-08 [FR E8-00186]

Approval and Promulgation of Air Quality Implementation Plans:

Pennyslvania; Redesignation of the Allentown-Bethlehem-Easton 8-hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan, etc.; comments due by 2-6-08; published 1-7-08 [FR E8-00027]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes:

Nevada; Wintertime Oxygenated Gasoline Rule; Vehicle Inspection and Maintenance Program, etc.; comments due by 2-6-08; published 1-7-08 [FR E7-25636]

Pesticide programs:

Plant-incorporated protectants; procedures and requirements—

Bacillus thuringiensis Vip3Aa19 protein in cotton; tolerance requirement exemption; comments due by 2-4-08; published 12-6-07 [FR E7-23660]

Bacillus thuringiensis Vip3Aa20 protein and genetic material necessary for production in corn; tolerance requirement exemption; comments due by 2-4-08; published 12-5-07 [FR E7-23308]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Dichlorvos; comments due by 2-4-08; published 12-5-07 [FR E7-23571]

FEDERAL COMMUNICATIONS COMMISSION

Commercial Mobile Alert System; comments due by 2-4-08; published 1-3-08 [FR E7-24876]

Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments; comments due by 2-6-08; published 1-7-08 [FR E7-25214]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicaid:

Optional State plan case management services; comments due by 2-4-08; published 12-4-07 [FR 07-05903]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Security Zone:

Waters Surrounding U.S. Forces Vessel SBX-1, HI; comments due by 2-6-08; published 1-7-08 [FR E8-00019]

LABOR DEPARTMENT

Mine Safety and Health Administration

Coal mine safety and health:

Underground mines—

Fire extinguishers; availability; comments due by 2-4-08; published 12-20-07 [FR E7-24747]

NUCLEAR REGULATORY COMMISSION

Transportation of Radioactive Material in Quantities of Concern; comments due by 2-8-08; published 1-4-08 [FR E7-25630]

PENSION BENEFIT GUARANTY CORPORATION

Single-employer and multiemployer plans:

Termination information disclosure; comments due

by 2-4-08; published 12-5-07 [FR E7-23577]

SOCIAL SECURITY ADMINISTRATION

Organization and procedures:

Official records and information; privacy and disclosure; comments due by 2-8-08; published 12-10-07 [FR E7-23786]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carrier certification and operations:

Takeoff/Landing Performances Assessment Aviation Rulemaking Committee; establishment; comments due by 2-4-08; published 12-6-07 [FR E7-23740]

Airworthiness Directives:

Airbus; comments due by 2-8-08; published 1-9-08 [FR E8-00164]

Airworthiness directives:

Boeing; comments due by 2-4-08; published 12-19-07 [FR E7-24521]

Airworthiness Directives:

Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes; comments due by 2-4-08; published 1-4-08 [FR E7-25617]

Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), Model CL-600-2D15 (Regional Jet Series 705), etc., Airplanes; comments due by 2-4-08; published 1-4-08 [FR E7-25619]

Airworthiness directives:

Viking Air Ltd. Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes; comments due by 2-7-08; published 1-8-08 [FR E7-25613]

Class E airspace; comments due by 2-4-08; published 12-19-07 [FR 07-06072]

TRANSPORTATION DEPARTMENT

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety: Polyamide-11 (PA-11) Plastic Pipe Design Pressures; comments due by 2-7-08; published 1-8-08 [FR E8-00033]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Automatic contribution arrangements; comments due by 2-6-08; published 11-8-07 [FR E7-21821]

Foreign tax credit; notification and adjustment due to foreign tax redeterminations; cross-reference; withdrawn in part; comments due by 2-5-08; published 11-7-07 [FR E7-21727]

Real estate mortgage investment conduit; commercial mortgage loans; comments due by 2-7-08; published 11-9-07 [FR E7-21987]

VETERANS AFFAIRS DEPARTMENT

Schedule for Rating Disabilities:

Evaluation of Residuals of Traumatic Brain Injury; comments due by 2-4-08; published 1-3-08 [FR E7-25522]

Evaluation of Scars; comments due by 2-4-08; published 1-3-08 [FR E7-25525]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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H.R. 660/P.L. 110–177

Court Security Improvement Act of 2007 (Jan. 7, 2008; 121 Stat. 2534)

H.R. 3690/P.L. 110–178

U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Jan. 7, 2008; 121 Stat. 2546)

S. 863/P.L. 110–179

Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007 (Jan. 7, 2008; 121 Stat. 2556)

H.R. 2640/P.L. 110–180

NICS Improvement Amendments Act of 2007 (Jan. 8, 2008; 121 Stat. 2559)

Last List January 7, 2008

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1	(869–062–00001–4)	5.00	[4] Jan. 1, 2007
2	(869–062–00002–2)	5.00	Jan. 1, 2007
3 (2006 Compilation and Parts 100 and 102)	(869–062–00003–1)	35.00	[1] Jan. 1, 2007
4	(869–062–00004–9)	10.00	[5] Jan. 1, 2007
5 Parts:			
1–699	(869–062–00005–7)	60.00	Jan. 1, 2007
700–1199	(869–062–00006–5)	50.00	Jan. 1, 2007
1200–End	(869–062–00007–3)	61.00	Jan. 1, 2007
6	(869–062–00008–1)	10.50	Jan. 1, 2007
7 Parts:			
1–26	(869–062–00009–0)	44.00	Jan. 1, 2007
27–52	(869–062–00010–3)	49.00	Jan. 1, 2007
53–209	(869–062–00011–1)	37.00	Jan. 1, 2007
210–299	(869–062–00012–0)	62.00	Jan. 1, 2007
300–399	(869–062–00013–8)	46.00	Jan. 1, 2007
400–699	(869–062–00014–6)	42.00	Jan. 1, 2007
700–899	(869–062–00015–4)	43.00	Jan. 1, 2007
900–999	(869–062–00016–2)	60.00	Jan. 1, 2007
1000–1199	(869–062–00017–1)	22.00	Jan. 1, 2007
1200–1599	(869–062–00018–9)	61.00	Jan. 1, 2007
1600–1899	(869–062–00019–7)	64.00	Jan. 1, 2007
1900–1939	(869–062–00020–1)	31.00	Jan. 1, 2007
1940–1949	(869–062–00021–9)	50.00	[5] Jan. 1, 2007
1950–1999	(869–062–00022–7)	46.00	Jan. 1, 2007
2000–End	(869–062–00023–5)	50.00	Jan. 1, 2007
8	(869–062–00024–3)	63.00	Jan. 1, 2007
9 Parts:			
1–199	(869–062–00025–1)	61.00	Jan. 1, 2007
200–End	(869–062–00026–0)	58.00	Jan. 1, 2007
10 Parts:			
1–50	(869–062–00027–8)	61.00	Jan. 1, 2007
51–199	(869–062–00028–6)	58.00	Jan. 1, 2007
200–499	(869–062–00029–4)	46.00	Jan. 1, 2007
500–End	(869–066–00030–8)	62.00	Jan. 1, 2007
11	(869–062–00031–6)	41.00	Jan. 1, 2007
12 Parts:			
1–199	(869–062–00032–4)	34.00	Jan. 1, 2007
200–219	(869–062–00033–2)	37.00	Jan. 1, 2007
220–299	(869–062–00034–1)	61.00	Jan. 1, 2007
300–499	(869–062–00035–9)	47.00	Jan. 1, 2007
500–599	(869–062–00036–7)	39.00	Jan. 1, 2007
600–899	(869–062–00037–5)	56.00	Jan. 1, 2007
900–End	(869–062–00038–3)	50.00	Jan. 1, 2007
13	(869–062–00039–1)	55.00	Jan. 1, 2007
14 Parts:			
1–59	(869–062–00040–5)	63.00	Jan. 1, 2007
60–139	(869–062–00041–3)	61.00	Jan. 1, 2007
140–199	(869–062–00042–1)	30.00	Jan. 1, 2007
200–1199	(869–062–00043–0)	50.00	Jan. 1, 2007
1200–End	(869–062–00044–8)	45.00	Jan. 1, 2007
15 Parts:			
0–299	(869–062–00045–6)	40.00	Jan. 1, 2007
300–799	(869–062–00046–4)	60.00	Jan. 1, 2007
800–End	(869–062–00047–2)	42.00	Jan. 1, 2007
16 Parts:			
0–999	(869–062–00048–1)	50.00	Jan. 1, 2007
1000–End	(869–062–00049–9)	60.00	Jan. 1, 2007
17 Parts:			
1–199	(869–062–00051–1)	50.00	Apr. 1, 2007
200–239	(869–062–00052–9)	60.00	Apr. 1, 2007
240–End	(869–062–00053–7)	62.00	Apr. 1, 2007
18 Parts:			
1–399	(869–062–00054–5)	62.00	Apr. 1, 2007
400–End	(869–062–00055–3)	26.00	Apr. 1, 2007
19 Parts:			
1–140	(869–062–00056–1)	61.00	Apr. 1, 2007
141–199	(869–062–00057–0)	58.00	Apr. 1, 2007
200–End	(869–062–00058–8)	31.00	Apr. 1, 2007
20 Parts:			
1–399	(869–062–00059–6)	50.00	Apr. 1, 2007
400–499	(869–062–00060–0)	64.00	Apr. 1, 2007
500–End	(869–062–00061–8)	63.00	Apr. 1, 2007
21 Parts:			
1–99	(869–062–00062–6)	40.00	Apr. 1, 2007
100–169	(869–062–00063–4)	49.00	Apr. 1, 2007
170–199	(869–062–00064–2)	50.00	Apr. 1, 2007
200–299	(869–062–00065–1)	17.00	Apr. 1, 2007
300–499	(869–062–00066–9)	30.00	Apr. 1, 2007
500–599	(869–062–00067–7)	47.00	Apr. 1, 2007
600–799	(869–062–00068–5)	17.00	Apr. 1, 2007
800–1299	(869–062–00069–3)	60.00	Apr. 1, 2007
1300–End	(869–062–00070–7)	25.00	Apr. 1, 2007
22 Parts:			
1–299	(869–062–00071–5)	63.00	Apr. 1, 2007
300–End	(869–062–00072–3)	45.00	Apr. 1, 2007
23	(869–062–00073–7)	45.00	Apr. 1, 2007
24 Parts:			
0–199	(869–062–00074–0)	60.00	Apr. 1, 2007
200–499	(869–062–00075–8)	50.00	Apr. 1, 2007
500–699	(869–062–00076–6)	30.00	Apr. 1, 2007
700–1699	(869–062–00077–4)	61.00	Apr. 1, 2007
1700–End	(869–062–00078–2)	30.00	Apr. 1, 2007
25	(869–062–00079–1)	64.00	Apr. 1, 2007
26 Parts:			
§§ 1.0–1–1.60	(869–062–00080–4)	49.00	Apr. 1, 2007
§§ 1.61–1.169	(869–062–00081–2)	63.00	Apr. 1, 2007
§§ 1.170–1.300	(869–062–00082–1)	60.00	Apr. 1, 2007
§§ 1.301–1.400	(869–062–00083–9)	47.00	Apr. 1, 2007
§§ 1.401–1.440	(869–062–00084–7)	56.00	Apr. 1, 2007
§§ 1.441–1.500	(869–062–00085–5)	58.00	Apr. 1, 2007
§§ 1.501–1.640	(869–062–00086–3)	49.00	Apr. 1, 2007
§§ 1.641–1.850	(869–062–00087–1)	61.00	Apr. 1, 2007
§§ 1.851–1.907	(869–062–00088–0)	61.00	Apr. 1, 2007
§§ 1.908–1.1000	(869–062–00089–8)	60.00	Apr. 1, 2007
§§ 1.1001–1.1400	(869–062–00090–1)	61.00	Apr. 1, 2007
§§ 1.1401–1.1550	(869–062–00091–0)	58.00	Apr. 1, 2007
§§ 1.1551–End	(869–062–00092–8)	50.00	Apr. 1, 2007
2–29	(869–062–00093–6)	60.00	Apr. 1, 2007
30–39	(869–062–00094–4)	41.00	Apr. 1, 2007
40–49	(869–062–00095–2)	28.00	[7] Apr. 1, 2007
50–299	(869–062–00096–1)	42.00	Apr. 1, 2007

Title	Stock Number	Price	Revision Date
300–499	(869–062–00097–9)	61.00	Apr. 1, 2007
500–599	(869–062–00098–7)	12.00	[6] Apr. 1, 2007
600–End	(869–062–00099–5)	17.00	Apr. 1, 2007
27 Parts:			
1–39	(869–062–00100–2)	64.00	Apr. 1, 2007
40–399	(869–062–00101–1)	64.00	Apr. 1, 2007
400–End	(869–062–00102–9)	18.00	Apr. 1, 2007
28 Parts:			
0–42	(869–062–00103–7)	61.00	July 1, 2007
43–End	(869–062–00104–5)	60.00	July 1, 2007
29 Parts:			
0–99	(869–062–00105–3)	50.00	[9] July 1, 2007
100–499	(869–062–00106–1)	23.00	July 1, 2007
500–899	(869–062–00107–0)	61.00	[9] July 1, 2007
900–1899	(869–062–00108–8)	36.00	July 1, 2007
1900–1910 (§§ 1900 to 1910.999)	(869–062–00109–6)	61.00	July 1, 2007
1910 (§§ 1910.1000 to end)	(869–062–00110–0)	46.00	July 1, 2007
1911–1925	(869–062–00111–8)	30.00	July 1, 2007
1926	(869–062–00112–6)	50.00	July 1, 2007
1927–End	(869–062–00113–4)	62.00	July 1, 2007
30 Parts:			
1–199	(869–062–00114–2)	57.00	July 1, 2007
200–699	(869–062–00115–1)	50.00	July 1, 2007
700–End	(869–062–00116–9)	58.00	July 1, 2007
31 Parts:			
0–199	(869–062–00117–7)	41.00	July 1, 2007
200–499	(869–062–00118–5)	46.00	July 1, 2007
500–End	(869–062–00119–3)	62.00	July 1, 2007
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–062–00120–7)	61.00	July 1, 2007
191–399	(869–062–00121–5)	63.00	July 1, 2007
400–629	(869–062–00122–3)	61.00	July 1, 2007
630–699	(869–062–00123–1)	37.00	July 1, 2007
700–799	(869–062–00124–0)	46.00	July 1, 2007
800–End	(869–062–00125–8)	47.00	July 1, 2007
33 Parts:			
1–124	(869–062–00126–6)	57.00	July 1, 2007
125–199	(869–062–00127–4)	61.00	July 1, 2007
200–End	(869–062–00128–2)	57.00	July 1, 2007
34 Parts:			
1–299	(869–062–00129–1)	50.00	July 1, 2007
300–399	(869–062–00130–4)	40.00	July 1, 2007
400–End & 35	(869–062–00131–2)	61.00	[8] July 1, 2007
36 Parts:			
1–199	(869–062–00132–1)	37.00	July 1, 2007
200–299	(869–062–00133–9)	37.00	July 1, 2007
300–End	(869–062–00134–7)	61.00	July 1, 2007
37	(869–062–00135–5)	58.00	July 1, 2007
38 Parts:			
0–17	(869–062–00136–3)	60.00	July 1, 2007
18–End	(869–062–00137–1)	62.00	July 1, 2007
39	(869–062–00138–0)	42.00	July 1, 2007
40 Parts:			
1–49	(869–062–00139–8)	60.00	July 1, 2007
50–51	(869–062–00140–1)	45.00	July 1, 2007
52 (52.01–52.1018)	(869–062–00141–0)	60.00	July 1, 2007
52 (52.1019–End)	(869–062–00142–8)	64.00	July 1, 2007
53–59	(869–062–00143–6)	31.00	July 1, 2007
60 (60.1–End)	(869–062–00144–4)	58.00	July 1, 2007
60 (Apps)	(869–062–00145–2)	57.00	July 1, 2007
61–62	(869–062–00146–1)	45.00	July 1, 2007
63 (63.1–63.599)	(869–062–00147–9)	58.00	July 1, 2007
63 (63.600–63.1199)	(869–062–00148–7)	50.00	July 1, 2007
63 (63.1200–63.1439)	(869–062–00149–5)	50.00	July 1, 2007
63 (63.1440–63.6175)	(869–062–00150–9)	32.00	July 1, 2007
63 (63.6580–63.8830)	(869–062–00151–7)	32.00	July 1, 2007
63 (63.8980–End)	(869–062–00152–5)	35.00	July 1, 2007
64–71	(869–062–00153–3)	29.00	July 1, 2007
72–80	(869–062–00154–1)	62.00	July 1, 2007
81–84	(869–062–00155–0)	50.00	July 1, 2007
85–86 (85–86.599–99)	(869–062–00156–8)	61.00	July 1, 2007
86 (86.600–1–End)	(869–062–00157–6)	61.00	July 1, 2007
87–99	(869–062–00158–4)	60.00	July 1, 2007
100–135	(869–062–00159–2)	45.00	July 1, 2007
136–149	(869–062–00160–6)	61.00	July 1, 2007
150–189	(869–062–00161–4)	50.00	July 1, 2007
190–259	(869–062–00162–2)	39.00	[9] July 1, 2007
260–265	(869–062–00163–1)	50.00	July 1, 2007
266–299	(869–062–00164–9)	50.00	July 1, 2007
300–399	(869–062–00165–7)	42.00	July 1, 2007
400–424	(869–062–00166–5)	56.00	[9] July 1, 2007
425–699	(869–062–00167–3)	61.00	July 1, 2007
700–789	(869–062–00168–1)	61.00	July 1, 2007
790–End	(869–062–00169–0)	61.00	July 1, 2007
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–062–00170–3)	24.00	July 1, 2007
101	(869–062–00171–1)	21.00	July 1, 2007
102–200	(869–062–00172–0)	56.00	July 1, 2007
201–End	(869–062–00173–8)	24.00	July 1, 2007
42 Parts:			
1–399	(869–062–00174–6)	61.00	Oct. 1, 2007
*400–413	(869–062–00175–4)	32.00	Oct. 1, 2007
414–429	(869–062–00176–2)	32.00	Oct. 1, 2007
430–End	(869–060–00176–0)	64.00	Oct. 1, 2006
43 Parts:			
1–999	(869–060–00177–8)	56.00	Oct. 1, 2006
1000–end	(869–062–00179–7)	62.00	Oct. 1, 2007
44	(869–060–00179–4)	50.00	Oct. 1, 2006
45 Parts:			
1–199	(869–062–00181–9)	60.00	Oct. 1, 2007
200–499	(869–060–00181–6)	34.00	Oct. 1, 2006
*500–1199	(869–062–00183–5)	56.00	Oct. 1, 2007
1200–End	(869–062–00184–3)	61.00	Oct. 1, 2007
46 Parts:			
1–40	(869–062–00185–1)	46.00	Oct. 1, 2007
41–69	(869–062–00186–0)	39.00	Oct. 1, 2007
70–89	(869–060–00186–7)	14.00	Oct. 1, 2006
90–139	(869–062–00188–6)	44.00	Oct. 1, 2007
140–155	(869–062–00189–4)	25.00	Oct. 1, 2007
156–165	(869–062–00190–8)	34.00	Oct. 1, 2007
166–199	(869–060–00190–5)	46.00	Oct. 1, 2006
200–499	(869–062–00192–4)	40.00	Oct. 1, 2007
500–End	(869–062–00193–2)	25.00	Oct. 1, 2007
47 Parts:			
0–19	(869–062–00194–1)	61.00	Oct. 1, 2007
20–39	(869–060–00194–8)	46.00	Oct. 1, 2006
40–69	(869–062–00196–7)	40.00	Oct. 1, 2007
70–79	(869–060–00196–4)	61.00	Oct. 1, 2006
80–End	(869–062–00198–3)	61.00	Oct. 1, 2007
48 Chapters:			
1 (Parts 1–51)	(869–062–00199–1)	63.00	Oct. 1, 2007
1 (Parts 52–99)	(869–062–00200–9)	49.00	Oct. 1, 2007
2 (Parts 201–299)	(869–062–00201–7)	50.00	Oct. 1, 2007
3–6	(869–062–00202–5)	34.00	Oct. 1, 2007

Title	Stock Number	Price	Revision Date
7–14	(869–062–00203–3)	56.00	Oct. 1, 2007
15–28	(869–062–00204–1)	47.00	Oct. 1, 2007
29–End	(869–060–00204–9)	47.00	Oct. 1, 2006
49 Parts:			
1–99	(869–060–00205–7)	60.00	Oct. 1, 2006
100–185	(869–062–00207–6)	63.00	Oct. 1, 2007
186–199	(869–062–00208–4)	23.00	Oct. 1, 2007
*200–299	(869–062–00208–1)	32.00	Oct. 1, 2007
300–399	(869–062–00210–6)	32.00	Oct. 1, 2007
*400–599	(869–062–00210–3)	64.00	Oct. 1, 2007
600–999	(869–062–00212–2)	19.00	Oct. 1, 2007
1000–1199	(869–062–00213–1)	28.00	Oct. 1, 2007
1200–End	(869–062–00214–9)	34.00	Oct. 1, 2007
50 Parts:			
1–16	(869–060–00214–6)	11.00	[10] Oct. 1, 2006
17.1–17.95(b)	(869–060–00215–4)	32.00	Oct. 1, 2006
*17.95(c)–end	(869–062–00217–3)	32.00	Oct. 1, 2007
17.96–17.99(h)	(869–062–00218–1)	61.00	Oct. 1, 2007
17.99(i)–end and 17.100–end	(869–060–00218–9)	47.00	[10] Oct. 1, 2006
18–199	(869–060–00219–7)	50.00	Oct. 1, 2006
200–599	(869–062–00221–1)	45.00	Oct. 1, 2007
600–659	(869–060–00221–9)	31.00	Oct. 1, 2006
660–End	(869–062–00223–8)	31.00	Oct. 1, 2007
CFR Index and Findings Aids	(869–062–00050–2)	62.00	Jan. 1, 2007
Complete 2007 CFR set		1,389.00	2007
Microfiche CFR Edition:			
Subscription (mailed as issued)		332.00	2007
Individual copies		4.00	2007
Complete set (one-time mailing)		332.00	2006
Complete set (one-time mailing)		325.00	2005

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 2006, through January 1, 2007. The CFR volume issued as of January 6, 2006 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 2006 through April 1, 2007. The CFR volume issued as of April 1, 2006 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.

[9] No amendments to this volume were promulgated during the period July 1, 2006, through July 1, 2007. The CFR volume issued as of July 1, 2006 should be retained.

[10] No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2006. The CFR volume issued as of October 1, 2005 should be retained.