

holidays. The Docket Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Jeanne Kasai, Field and External Affairs Division, (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460-0001; telephone number: (703) 308-3240; e-mail address: kasai.jeanne@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

This action is directed to the public in general. It simply announces the submission of a draft proposed rule to the United States Department of Agriculture (USDA) and does not otherwise affect any specific entities. This action may, however, be of particular interest to pesticide formulators, pesticide container recycling programs, third party certification bodies and accreditation organizations. Since 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 this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Access Electronic Copies of this Document and Other Related Information?*

In addition to using regulations.gov, you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>.

**II. What Action is EPA Taking?**

Section 25(a)(2) of FIFRA requires the Administrator to provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days before signing it for publication in the **Federal Register**. The draft proposed rule is not available to the public until after it has been signed by EPA. If the Secretary comments in writing regarding the draft proposed rule within 30 days after receiving it, the Administrator shall include the comments of the Secretary and the Administrator's response to those comments in the proposed rule when published in the **Federal Register**. If the Secretary does not comment in writing within 30 days after receiving the draft proposed rule, the Administrator may sign the proposed regulation for publication in the **Federal Register** anytime after the 30-day period.

**III. Do Any Statutory and Executive Order Reviews Apply to this Notification?**

No. This document is not a proposed rule, it is merely a notification of submission to the Secretary of Agriculture. As such, none of the regulatory assessment requirements apply to this document.

**List of Subjects in Part 165**

Environmental protection, packaging and containers, pesticides and pests, recycling.

Dated: March 19, 2008.

**Debra Edwards,**  
*Director, Office of Pesticide Programs.*

[FR Doc. E8-6396 Filed 3-27-08; 8:45 am]

**BILLING CODE 6560-50-S**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Parts 531 and 533**

**[Docket No. NHTSA-2008-0060]**

**Notice of Intent to Prepare an Environmental Impact Statement for New Corporate Average Fuel Economy Standards**

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

**ACTION:** Notice of intent; request for scoping comments.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), NHTSA plans to prepare an Environmental Impact Statement (EIS) to address the potential environmental impacts of the agency's Corporate Average Fuel Economy program for passenger automobiles (referred to herein as “passenger cars”) and non-passenger automobiles (referred to herein as “light trucks”). The EIS will consider the potential environmental impacts of new fuel economy standards for model year 2011–2015 passenger cars and light trucks that NHTSA will be proposing pursuant to the Energy Independence and Security Act of 2007.

To this end, this notice initiates the NEPA scoping process to identify the environmental issues and reasonable alternatives to be examined in the EIS, and requests comments regarding those and other matters related to the scope of NHTSA's NEPA analysis for the new standards. NHTSA will provide further guidance for the public about the scoping process in a separate notice that

will be published when the proposal itself is published.

**DATES:** The scoping process will culminate in the preparation and issuance of a Draft EIS, which will be made available for public comment. Interested persons are requested to submit their scoping comments as soon as possible after the issuance of the proposal in order to ensure their consideration and facilitate the agency's prompt preparation of the Draft EIS.

**ADDRESSES:** You may submit comments to the docket number identified in the heading of this document by any of the following methods:

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

- **Mail:** Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery or Courier:** U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202-366-9324.

Note that all comments received, including any personal information provided, will be posted without change to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, contact Carol Hammel-Smith, Fuel Economy Division, Office of International Vehicle, Fuel Economy and Consumer Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-5206.

For legal issues, contact Kerry E. Rodgers, Vehicle Safety Standards & Harmonization Division, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-5552.

**SUPPLEMENTARY INFORMATION:** NHTSA is preparing a notice of proposed rulemaking (NPRM) to propose Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2011–2015 passenger cars and light trucks pursuant to the amendments made by the Energy Independence and Security Act of 2007, Public Law 110-140, 121 Stat. 1492 (December 19, 2007)

(EISA), to the Energy Policy and Conservation Act (EPCA).<sup>1</sup> 49 U.S.C.A. 32901 *et seq.* NHTSA intends to prepare an Environmental Impact Statement (EIS) to address the potential environmental impacts of the proposed standards in the context of NHTSA's CAFE program.

This notice of intent initiates the scoping process for the EIS under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4347, and implementing regulations issued by the Council on Environmental Quality (CEQ), 40 CFR Pt. 1500, and NHTSA, 49 CFR Pt. 520. See 40 CFR 1501.7, 1508.22; 49 CFR 520.21(g). Specifically, this notice of intent requests public input on the scope of NHTSA's NEPA analysis relating to the CAFE standards for MY 2011–2015 automobiles. As a related part of the NEPA scoping process, NHTSA intends to describe proposed standards to meet EPCA's requirements and the possible alternatives NHTSA plans to consider for purposes of its NEPA analysis in its NPRM and in a separate scoping notice that will provide further guidance for the public about the scoping process. See 40 CFR 1508.22.

EPCA sets forth extensive requirements concerning the rulemaking to establish MY 2011–2015 CAFE standards. It requires the Secretary of Transportation<sup>2</sup> to establish CAFE standards at least 18 months before each model year and to set them at “the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.” 49 U.S.C.A. 32902(a). In making decisions about “maximum feasible” levels of fuel economy, the Secretary is required to “consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.” 49 U.S.C. 32902(a), 32902(f). In past rulemakings, NHTSA has construed these statutory factors as including environmental and safety considerations.<sup>3</sup> NHTSA also considers

<sup>1</sup> On February 20, 2008, NHTSA submitted a draft NPRM proposing those standards to the Office of Management and Budget for review pursuant to Executive Order 12,866, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), as amended.

<sup>2</sup> NHTSA is delegated responsibility for implementing the EPCA fuel economy requirements assigned to the Secretary of Transportation. 49 CFR 1.50, 501.2(a)(8).

<sup>3</sup> There is case law with respect to the consideration of safety. See, e.g., *Competitive Enterprise Inst. v. NHTSA*, 956 F.2d 321, 322 (D.C. Cir. 1992) (citing *Competitive Enterprise Inst. v. NHTSA*, 901 F.2d 107, 120 n.11 (D.C. Cir. 1990)).

environmental impacts under NEPA when setting CAFE standards.

EPCA further directs the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to establish separate average fuel economy standards for passenger cars and for light trucks manufactured in each model year beginning with model year 2011 “to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.” 49 U.S.C.A. 32902(b)(1), 32902(b)(2)(A). In doing so, the Secretary of Transportation is required to “prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.” 49 U.S.C.A. 32902(b)(2)(C). The standards for passenger cars and light trucks must be “based on 1 or more vehicle attributes related to fuel economy,” 49 U.S.C.A. 32902(b)(3)(A). In any single rulemaking, standards may be established for not more than five model years. 49 U.S.C.A. 32902(b)(3)(B). EPCA also specifies a minimum standard for domestically manufactured passenger cars. 49 U.S.C.A. 32902(b)(4).

In preparing an EIS for the new MY 2011–2015 CAFE standards, NHTSA intends to consider issues raised in litigation concerning a 2006 final rule, “Average Fuel Economy Standards for Light Trucks, Model Years 2008–2011,” 71 FR 17,566, April 6, 2006 (2006 Rule). NHTSA prepared a final EA for the 2006 Rule after publishing a draft EA for public comment and considering the comments received. Based on the final EA, NHTSA determined that the 2006 Rule would not have a significant effect on the quality of the human environment and that the agency therefore was not required to prepare an EIS. See 71 FR at 17,671; 42 U.S.C. 4332(2)(C).<sup>4</sup>

<sup>4</sup> *see also Center for Biological Diversity v. NHTSA*, 508 F.3d 508, 547 (9th Cir. 2007).

<sup>4</sup> Before preparing an EIS, an agency may prepare a more concise environmental assessment (EA) to present “sufficient evidence and analysis for determining whether to prepare an [EIS] or a finding of no significant impact” and to “[f]acilitate preparation of [an EIS] when one is necessary.” 40 CFR 1508.9(a)(1), (3). NHTSA's final EA and Finding of No Significant Impact (FONSI) are available in the docket for the 2006 Rule. See Docket No. NHTSA-2006-24309-0006 (Final Environmental Assessment: NHTSA Corporate Average Fuel Economy (CAFE) Standards, March 29, 2006); Docket No. NHTSA 2006-24309-0003[1] (Finding of No Significant Environmental Impact for Model Year 2008–2011 Light Truck Fuel Economy Standards, March 28, 2006).

In a challenge to the 2006 Rule, petitioners argued in the U.S. Court of Appeals for the Ninth Circuit that NHTSA's EA did not comply with NEPA and that NEPA requires the agency to prepare an EIS. *See Center for Biological Diversity v. NHTSA*, 508 F.3d 508, 514, 545–58 (9th Cir. 2007).<sup>5</sup> The Court held, among other things, that NHTSA did not prepare an adequate EA under NEPA. 508 F.3d at 548–558. The Court's remedy was to order the agency to prepare an EIS. 508 F.3d 558. The Government is presently seeking rehearing in the Ninth Circuit on the appropriateness of that remedy.

In any event, NHTSA must now propose CAFE standards for MY 2011 and beyond, pursuant to the recent amendments to EPCA, to begin increasing CAFE levels so that the combined fleet of all passenger cars and light trucks in MY 2020 will achieve at least 35 mpg. NHTSA, therefore, now needs to engage in a new analysis, including taking a fresh look at potential environmental impacts under NEPA, and assessing whether or not those impacts are “significant” within the meaning of NEPA law. See 40 CFR 1508.27.

NHTSA is beginning the EIS process for that rule, which includes light truck standards for one model year previously covered by the 2006 Rule (MY 2011). We are doing so now because a standard for MY 2011 must be issued by the end of March 2009 and achieving an industry-wide combined fleet average of at least 35 miles per gallon for MY 2020 depends, in substantial part, upon setting standards well in advance so as to provide the automobile manufacturers with as much lead time as possible to make the extensive necessary changes to their automobiles.

The scoping process initiated by this notice seeks to determine “the range of actions, alternatives, and impacts to be considered” in the EIS and to identify the most important issues for analysis involving the potential environmental impacts of NHTSA's CAFE standards. See 40 CFR 1501.7, 1508.25. NHTSA invites stakeholders to participate in the scoping process by submitting written comments to the docket number identified in the heading of this notice using any of the methods described in the **ADDRESSES** section of this notice. NHTSA believes that the EPCA provisions described above regarding the levels of the standards to be established and NHTSA's implementation of the CAFE program to

<sup>5</sup> The Petitioners also challenged the 2006 Rule under EPCA. *See Center for Biological Diversity v. NHTSA*, 508 F.3d at 527–45.

date provide sufficient information to begin the scoping process. This assessment is supported by the public comments submitted on the 2005 NPRM that led to the 2006 Rule (70 FR 51414, August 30, 2005).

As noted above, NHTSA plans to publish a separate scoping notice in the **Federal Register** to provide further information and guidance to facilitate public participation in the scoping process. Based on comments received during scoping, NHTSA expects to prepare a draft EIS for public comment and a final EIS to support a final rule later this year.

Issued: March 21, 2008.

**Ronald Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. E8-6227 Filed 3-27-08; 8:45 am]

**BILLING CODE 4910-59-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 071105649-8028-01]

**RIN 0648-AW22**

### Marine Mammals; Advance Notice of Proposed Rulemaking

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

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

**SUMMARY:** On January 31, 2008, NMFS published an Advanced Notice of Proposed Rulemaking (ANPR) soliciting public comments on revisions to its implementing regulations governing the taking of stranded marine mammals. Written comments were due by March 31, 2008. NMFS has decided to allow additional time for submission of public comments on this action.

**DATES:** The public comment period for this action has been extended for 30 days. Written comments must be received or postmarked by April 30, 2008.

**ADDRESSES:** You may submit comments by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>;

- Fax: 301-427-2522, Attn: Chief, Marine Mammal and Sea Turtle

Conservation Division (Stranding Regulations ANPR); or

- Mail: Chief, Marine Mammal and Sea Turtle Conservation Division, Attn: Stranding Regulations ANPR, Office of Protected Resources, NMFS, 1315 East West Highway, Room 13635, Silver Spring, MD 20910.

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

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

#### FOR FURTHER INFORMATION CONTACT:

Sarah Howlett at (301) 713-2322.

**SUPPLEMENTARY INFORMATION:** The ANPR, published on January 31, 2008 (73 FR 5786), is available upon request and can be found on the NMFS Office of Protected Resources web site: [http://www.nmfs.noaa.gov/pr/health/mmpa\\_anpr.htm](http://www.nmfs.noaa.gov/pr/health/mmpa_anpr.htm).

Dated: March 24, 2008.

**David Cottingham,**

*Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E8-6443 Filed 3-27-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR 223 and 224

[Docket No. 080318441-8467-01]

**RIN 0648-AV36**

### Endangered and Threatened Wildlife; Notice of 90-Day Finding on a Petition to List the Ribbon Seal as a Threatened or Endangered Species

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

**ACTION:** Notice of a 90-day petition finding; request for information; and initiation of status reviews of ribbon, bearded, ringed, and spotted seals.

**SUMMARY:** We (NMFS) announce a 90-day finding on a petition to list the ribbon seal (*Histriophoca fasciata*) as a

threatened or endangered species under the Endangered Species Act (ESA). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Therefore, we initiate a status review of the ribbon seal to determine if listing under the ESA is warranted. Concurrently, we also initiate a status review of the other ice seal species: bearded (*Erignathus barbatus*), ringed (*Phoca fasciata*), and spotted (*Phoca largha*). To ensure these status reviews are comprehensive, we solicit scientific and commercial information regarding all of these ice seal species.

**DATES:** Information and comments must be submitted to NMFS by May 27, 2008.

**ADDRESSES:** You may submit comments, information, or data, identified by the Regulation Identifier Number (RIN), 0648-AV36, by any of the following methods:

**Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>.

**Mail:** Assistant Regional Administrator, Protected Resources Division, NMFS, Alaska Regional Office, P.O. Box 21668, Juneau, AK 99802.

**Facsimile (fax):** 907-586-7012.

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

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

Interested persons may obtain a copy of the ribbon seal petition from the above address or online from the NMFS Alaska Region website: <http://www.fakr.noaa.gov/protectedresources/seals/ice.htm>.

#### FOR FURTHER INFORMATION CONTACT:

James Wilder, NMFS Alaska Region, (907) 271 6620; Kaja Brix, NMFS Alaska Region, (907) 586-7235; or Marta Nammark, NMFS, Office of Protected Resources, (301) 713-1401.

**SUPPLEMENTARY INFORMATION:** Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to designate a species as threatened or endangered, the Secretary of Commerce