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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AI24

[NRC–2008–0013]

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations by revising the Holtec International HI-STORM 100 cask system listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1014. Amendment No. 5 includes deletion of the requirement to perform thermal validation tests on thermal systems; an increase in the design basis maximum decay heat loads, namely, to 34 kilowatts (kW) for uniform loading and 36.9 kW for regionalized loading, and introduction of a new decay heat regionalized scheme; an increase in the maximum fuel assembly weight for boiling water reactor fuel in the Multi-Purpose Canister (MPC)–68 from 700 to 730 pounds; an increase in the maximum fuel assembly weight of up to 1,720 pounds for assemblies not requiring spacers, otherwise 1,680 pounds; changes to the assembly characteristics of 16 × 16 pressurized water reactor fuel assemblies to be qualified for storage in the HI-STORM 100 cask system; a change in the fuel storage locations in the MPC–32 for fuel with axial power shaping rod assemblies and in the fuel storage locations in the MPC–24, MPC–24E, and the MPC–32 for fuel with control rod assemblies, rod cluster control assemblies, and control element assemblies; elimination of the restriction that fuel debris can only be loaded into the MPC–24EF, MPC–32F, MPC–68F, and MPC–68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the Supplemental Cooling System would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definitions of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the CoC and Final Safety Analysis Report; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware. This final rule allows the holders of power reactor operating licenses to store spent fuel in this approved cask as specified in the revised conditions under the NRC's general license provisions.

DATES: The final rule is effective on July 14, 2008.

ADDRESSES: Publicly available documents related to this rulemaking may be viewed electronically at *http://www.regulations.gov* [Docket ID NRC–2008–0013] and on the public computers located at the NRC's Public Document Room (PDR), Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD. The PDR reproduction contractor will copy documents for a fee.

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FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *Jayne.McCausland@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982 (NWPA), as amended, requires that ''[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR Part 72 entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR Part 72, entitled ''Approval of Spent Fuel Storage Casks,'' containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on May 1, 2000 (65 FR 25241), that approved the HI-STORM 100 cask system design, and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as Certificate of Compliance Number (CoC No.) 1014.

Discussion

On December 30, 2004, the certificate holder, Holtec International (Holtec) submitted an application to the NRC that requested an amendment to CoC

No. 1014. The amendment principally included changes to increase the design basis maximum decay heat loads of the HI-STORM 100 cask system and add a new underground storage configuration, designated the HI-STORM 100U, to the CoC. On November 29, 2006, Holtec withdrew the portion of the application that added the HI-STORM 100U to the CoC. The application, as modified by the December 22, 2006, Revision 2, submittal, and as supplemented on March 20, 2007, March 30, 2007, May 4, 2007, May 22, 2007, June 15, 2007, July 17, 2007, and September 6, 2007, requested changes to the CoC, the Technical Specifications (TS), and the Final Safety Analysis Report (FSAR), to modify the HI-STORM 100 cask system. Specifically, the proposed changes included deletion of the requirement to perform thermal validation tests on thermal systems; an increase in the design basis maximum decay heat loads, namely, to 34 kW for uniform loading and 36.9 kW for regionalized loading, and introduction of a new decay heat regionalized scheme; increase in the maximum fuel assembly weight for boiling water reactor fuel in the MPC–68 from 700 to 730 pounds; an increase in the maximum fuel assembly weight of up to 1,720 pounds for assemblies not requiring spacers, otherwise 1,680 pounds; changes to the assembly characteristics of 16x16 pressurized water reactor (PWR) fuel assemblies to be qualified for storage in the HI-STORM 100 cask system; a change in the fuel storage locations in the MPC–32 for fuel with axial power shaping rod assemblies (APSRAs) and in the fuel storage locations in the MPC–24, MPC–24E, and the MPC–32 for fuel with control rod assemblies (CRAs), rod cluster control assemblies (RCCAs), and control element assemblies (CEAs); elimination of the restriction that fuel debris can only be loaded into the MPC–24EF, MPC–32F, MPC–68F, and MPC–68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the Supplemental Cooling System (SCS) would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definitions of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the CoC and the FSAR; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware.

No other changes to the HI-STORM 100 cask system were requested in this application. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that an acceptable safety margin is maintained. In addition, the NRC staff has determined that there continues to be reasonable assurance that public health and safety and the environment will be adequately protected.

The NRC published a direct final rule (72 FR 74162; December 31, 2007) and the companion proposed rule (72 FR 74209; December 31, 2007) to amend the HI-STORM 100 cask system listing in 10 CFR 72.214 to include the changes requested by Holtec as Amendment No. 5 to CoC No. 1014. The comment period ended on January 30, 2008. One comment letter was received on the proposed rule. The comment contained within the letter was considered to be significant and adverse and warranted withdrawal of the direct final rule. A notice of withdrawal was published in the **Federal Register** on March 12, 2008 (73 FR 13071). Additionally, the NRC staff is amending the CoC to remove the word ''approximate'' from the weight designation of a loaded transfer cask, as discussed in the Summary of Public Comments on the Proposed Rule Section of this document. No changes were made in the TS or the safety evaluation report (SER) as a result of the comment.

The NRC finds that the Holtec HI-STORM cask system, as designed and when fabricated and used under the conditions specified in its CoC, meets the requirements of 10 CFR Part 72. Thus, use of the Holtec HI-STORM cask system, as approved by the NRC, will provide adequate protection of public health and safety and the environment. With this final rule, the NRC is approving the use of the Holtec HI-STORM 100 cask system under the general license in 10 CFR Part 72, Subpart K, by holders of power reactor operating licenses under 10 CFR Part 50. Simultaneously, the NRC is issuing a final SER and CoC that will be effective on July 14, 2008. Single copies of the CoC and SER are available for public inspection and/or copying for a fee at the NRC Public Document Room, O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD.

Discussion of Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1014 is revised by adding the effective date of Amendment Number 5.

Summary of Public Comments on the Proposed Rule

The NRC received one comment letter on the proposed rule. Copies of the public comment letter are available for review in the NRC's Public Document Room, O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD, and on *http://www.regulations.gov*. A review of the comment and the NRC staff's response follows:

Comment: The commenter questioned the use of the word ''approximate'' in relation to the maximum weight of a loaded transfer cask, stating that the actual weight of the transfer cask can be somewhat higher than 100 or 125 tons and still comply with the CoC. The commenter further noted that exceeding these maximum weight values would place the cask into an unanalyzed condition, thus raising a safety issue. The commenter stated that the NRC ''needs to specify a numerical range which would be considered 'approximate' in order for the cask user to make a determination of compliance with the CoC and when NRC approval would be required for the heavier transfer cask.'' The commenter recommended deletion of the word ''approximate.''

Response: The NRC staff agrees with the comment and has removed the word ''approximate'' from Section 1.b of the CoC. No changes are made to the SER or TS as a result of the comment.

In addition, two minor typographical errors identified by Holtec in Appendix A of the CoC, i.e., Table 3–1 and TS 3.1.2, have been corrected.

Summary of Final Revisions

Section 1.b. of the CoC has been revised to remove the word ''approximate'' from the description of the weight designation of a loaded transfer cask during any loading, unloading, or transfer operation. In addition, two typographical errors have been corrected in Appendix A, Table 3–1 and TS 3.1.2. No changes to the SER are required as a result of these changes.

Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the

use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is revising the HI-ndash;STORM 100 cask system design listed in 10 CFR 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that contains generally applicable requirements.

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954 (AEA), as amended, or the provisions of Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws but does not confer regulatory authority on the State.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. This final rule amends the CoC for the HI-STORM 100 cask system within the list of approved spent fuel storage casks that power-reactor licensees can use to store spent fuel at reactor sites under a general license. Amendment No. 5 modifies the present cask system design by the deletion of the requirement to perform thermal validation tests on thermal systems; an increase in the design basis maximum decay heat loads, namely, to 34 kW for uniform loading and 36.9 kW for regionalized loading, and introduction of a new decay heat regionalized scheme; an increase in the maximum fuel assembly weight for boiling water reactor fuel in the MPC–68 from 700 to 730 pounds; an increase in the maximum fuel assembly weight of up to 1,720 pounds for assemblies not requiring spacers, otherwise 1,680 pounds; changes in the assembly characteristics of 16x16 pressurized water reactor fuel assemblies to be qualified for storage in the HI-STORM 100 cask system; a change in the fuel storage locations in the MPC–32 for fuel with APSRAs and the fuel storage locations in the MPC–24, MPC–24E, and the MPC–32 for fuel with CRAs, RCCAs, and CEAs; elimination of the restriction that fuel debris can only be loaded into the MPC–24EF, MPC–32F, MPC–68F, and MPC–68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the SCS would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definitions of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the CoC and FSAR; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware. In addition, in CoC Section 1.b., the word ''approximate'' is removed from the description of the weight designation of a loaded spent fuel storage cask during any loading, unloading, or transfer operation.

The Environmental Assessment (EA) and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD. Single copies of the EA and finding of no significant impact are available from Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *Jayne.McCausland@nrc.gov*.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR Part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. On May 1, 2000 (65 FR 25241), the NRC issued an amendment to Part 72 that approved the HI-STORM 100 cask design by adding it to the list of NRC-approved cask designs in 10 CFR 72.214. On December 30, 2004, the certificate holder, Holtec, submitted an application to the NRC that requested an amendment to CoC No. 1014. The amendment principally included changes to increase the design basis maximum decay heat loads of the HI-STORM 100 cask system and add a new underground storage configuration, designated the HI-STORM 100U, to the CoC. On November 29, 2006, Holtec withdrew the portion of the application that would have added the HI-STORM 100U to the CoC. The application, as modified on December 22, 2006 (Revision 2), and as supplemented on March 20, 2007, March 30, 2007, May 4, 2007, May 22, 2007, June 15, 2007, July 17, 2007, and September 6, 2007, requested changes to the CoC, the TS, and the FSAR to modify the HI-STORM 100 cask system.

Specifically, the proposed changes included deletion of the requirement to perform thermal validation tests on thermal systems; an increase in the design basis maximum decay heat loads, namely, to 34 kW for uniform loading and 36.9 kW for regionalized loading, and introduction of a new decay heat regionalized scheme; increase in the maximum fuel assembly weight for boiling-water reactor fuel in the MPC–68 from 700 to 730 pounds; an increase in the maximum fuel assembly weight of up to 1,720 pounds for assemblies not requiring spacers, otherwise 1,680 pounds; changes to the assembly characteristics of 16x16 pressurized water reactor fuel assemblies to be

qualified for storage in the HI-STORM 100 cask system; a change in the fuel storage locations in the MPC–32 for fuel with APSRAs and in the fuel storage locations in the MPC–24, MPC–24E, and the MPC–32 for fuel with CRAs, RCCAs, and CEAs; elimination of the restriction that fuel debris can only be loaded into the MPC–24EF, MPC–32F, MPC–68F, and MPC–68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the SCS would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definitions of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the CoC and the FSAR; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware. The alternative to this action is to withhold approval of this amended cask system design. Withholding approval, in the absence of any safety reason for doing so, would not comply with the requirements of sections 218(a) and 133 of the Nuclear Waste Policy Act.

Approval of the final rule is consistent with previous NRC actions. Further, the final rule will have no adverse effect on public health and safety. This final rule has no significant identifiable impact or benefit on other Government agencies. Based on this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and Holtec. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

Congressional Review Act

Under the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–10 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance 1014 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1014.
Initial Certificate Effective Date: June 1, 2000.
Amendment Number 1 Effective Date: July 15, 2002.
Amendment Number 2 Effective Date: June 7, 2005.
Amendment Number 3 Effective Date: May 29, 2007.
Amendment Number 4 Effective Date: January 8, 2008.
Amendment Number 5 Effective Date: July 14, 2008.
SAR Submitted by: Holtec International.
SAR Title: Final Safety Analysis Report for the HI-STORM 100 Cask System.
Docket Number: 72–1014.
Certificate Expiration Date: June 1, 2020.
Model Number: HI-STORM 100.

* * * * *

Dated at Rockville, Maryland, this 22nd day of May, 2008.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Executive Director for Operations.

[FR Doc. E8–13190 Filed 6–11–08; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0072; Airspace Docket No. 08–ASO–03]

Establishment of Class E Airspace; Lady Lake, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments; withdrawal.

SUMMARY: This action withdraws the direct final rule published in the **Federal Register** March 21, 2008 establishing Class E Airspace at Lady Lake, FL (73 FR 15060), Docket No. FAA–2008–0072. This Direct final rule is being withdrawn in recognition of existing Class E Airspace at Lady Lake, FL that adequately supports the new Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedure (IAP) that has been developed for medical flight operations into the Village of Homewood Lady Lake Hospital.

DATES: *Effective Date:* June 12, 2008.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

History

On March 21, 2008, the **Federal Register** published a direct final rule with a request for comments (FR 73 15060) establishing Class E airspace at the Village of Homewood Lady Lake Hospital, Lady Lake, FL, **Federal Register** Docket No. FAA–2008–0072. After publication it was discovered that airspace already existed at Lady Lake, FL. Rendering this docket for airspace action unnecessary. This action withdraws **Federal Register** Docket No. FAA–2008–0072.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Withdrawal of Direct Final Rule

■ Accordingly, pursuant to the authority delegated to me, Docket No. FAA–2008–0072; Airspace Docket No. 08–ASO–03, as published in the **Federal Register** on March 21, 2008 (73 FR 15060), is hereby withdrawn.

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

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

Issued in College Park, Georgia, on April 30, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12769 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–0276; Airspace Docket No. 07–AEA–16]

Establishment of Class E Airspace; Lewisburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; confirmation of effective date, correction.

SUMMARY: This action confirms the effective date of a direct final rule that establishes a Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedures (IAPs) that serve the Evangelical Community Hospital, Lewisburg, PA. Additionally, this action corrects a minor technical error in the publication of the coordinates for the Evangelical Community Hospital East Heliport.

DATES: Effective 0901 UTC, June 12, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–5581; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

History

The FAA published this direct final rule with a request for comments in the **Federal Register** on January 31, 2008 (73 FR 5739) to establish Class E airspace at Lewisburg, PA. After publication, it was discovered that the airport reference point of the Evangelical Community Hospital East Heliport was incorrectly published as ''lat. 40°58′47″ N., long. 76°53′08″ W.'' The coordinates should have read ''lat. 40°58′45″ N., long. 76°53′09″ W.'' This action corrects that error.

Confirmation of Effective Date

The FAA uses the direct final rulemaking procedure for a non controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 10, 2008. It further advised that a confirmation docket would be published in the **Federal Register** confirming the date. This docket completes that requirement. No adverse comments were received, and thus this notice confirms that effective date.

Correction

■ Pursuant to the authority delegated to me, the publication in the **Federal Register** dated January 31, 2008 (73 FR 5739), **Federal Register** Docket No. FAA–2007–0276, on page 5741, column 1, line 48, is corrected to read:

(Lat. 40°58′45″ N., long. 76°53′09″ W.)

* * * * *

Issued in College Park, GA on April 25, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12774 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–0162; Airspace Docket No. 07–AEA–13]

Establishment of Class E Airspace; Marienville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; confirmation of effective date, correction.

SUMMARY: This action confirms the effective date and makes a correction to the direct final rule published in the **Federal Register** January 30, 2008, that establishes controlled airspace at Marienville, PA (73 FR 5431), Docket No. FAA–2007–0162. In the airspace description, the wrong name was used for the Airport. This action corrects that error.

DATES: Effective 0901 UTC, June 12, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia

Ave., College Park, GA 30337; telephone (404) 305–5581; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

History

A direct final rule published in the **Federal Register** January 30, 2008, established controlled airspace at Marienville, PA (73 FR 5431). In that rule, airspace was established to serve a landing site at the local high school to accommodate medical helicopter operations. After publication, an error was found in the name of the landing area. The landing area's name was printed as ''East Marien High School Heliport'', and should have been listed as ''East Forest Junior/Senior High School Airport''. This action corrects that error.

Confirmation of Effective Date

The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment were received within the comment period, the regulation would become effective on April 10, 2008. The FAA also advised that a ''Confirmation of Effective Date'' docket would be published in the **Federal Register** after the comment period ended as verification that no adverse comments were received and confirming the effective date of the Rule. No adverse comments were received and this document verifies that effective date.

Correction

■ Pursuant to the authority delegated to me, the publication in the **Federal Register** dated January 30, 2008 (73 FR 5431), **Federal Register** Docket No. FAA–2007–0162, on page 5432, column 2, line 23 and line 31, is corrected to read:

East Forest Junior/Senior High School Airport

* * * * *

Issued in College Park, GA on April 25, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12787 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0061; Airspace Docket No. 08–ANE–92]

Establishment of Class E Airspace; Vinalhaven, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** (73 FR 9186) that establishes Class E Airspace at Vinalhaven, ME to support a new Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedure (IAP) that has been developed for medical flight operations into the Mary Talbot Memorial Airfield.

DATES: Effective 0901 UTC, June 5, 2008. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on February 20, 2008 (73 FR 9186), Docket No. FAA–2008–0061; Airspace Docket No. 08–ANE–92. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 5, 2008. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, Georgia, on March 16, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12778 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–0278; Airspace Docket No. 07–AEA–18]

Establishment of Class E Airspace; Cranberry Township, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule that establishes Class E Airspace at Cranberry Township, PA, to support a new Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedure (IAP) that has been developed for medical flight operations into the University of Pittsburgh Medical Center (UPMC) Passavant-Cranberry Heliport. Additionally, this action corrects a minor typing error in the publication of the coordinates for the UPMC Passavant-Cranberry Heliport.

DATES: Effective 0901 UTC, June 5, 2008. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on February 14, 2008 (73 FR 8597), to establish Class E airspace at Cranberry Township, PA. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse

comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 5, 2008. No adverse comments were received, and thus this notice confirms that effective date.

Correction to Final Rule

■ After publication, it was discovered that the airport reference point of the University of Pittsburgh Medical Center (UPMC) Passavant-Cranberry Heliport was incorrectly published as lat. 40°41′01″ N., long. 80°05′50″ W. The coordinates are corrected as follows, ''lat. 40°41′02″ N., long. 80°05′47″ W.''

■ Accordingly, pursuant to the authority delegated to me, the coordinates for UPMC Passavant-Cranberry Heliport, Cranberry Township, PA, as published in the **Federal Register** on February 14, 2008 (73 FR 8597), Federal Docket No. FAA–2007–0278 is corrected as follows:

§ 71.1 [Corrected]

On page 8597, replace

''(Lat. 40°41′01″ N., long. 80°05′50″ W.)

with

''(Lat. 40°41′02″ N., long. 80°05′47″ W.)

Issued in College Park, Georgia, on April 30, 2008.

Mark D. Ward,

Manager, Operations Support Group Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12781 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0203; Airspace Docket No. 08–ANE–99]

Modification of Class D Airspace; Brunswick, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments; withdrawal.

SUMMARY: This action withdraws the direct final rule published in the **Federal Register** April 14, 2008 modifying Class D Airspace at Brunswick, ME. After publication it came to our attention that there had been a miscommunication about the operating hours of the Brunswick NAS Air Traffic Control Tower. The tower itself is still a 24-hour operation; therefore, there is no need to modify the Class D Airspace to reflect part-time status.

DATES: Effective Date: June 12, 2008.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support Group, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 305–5610, Fax 404–305–5572.

SUPPLEMENTARY INFORMATION:

History

On April 14, 2008, the **Federal Register** published a direct final rule with a request for comments (73 FR 19995) modifying Class D Airspace in Brunswick, ME, **Federal Register** Docket No. FAA–2008–0203. After publication it was discovered that the control tower hours of operation had not been changed to a part-time status, thereby rendering this docket for airspace action unnecessary. This action withdraws **Federal Register** Docket No. FAA–2008–0203.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Withdrawal of Direct Final Rule

■ Accordingly, pursuant to the authority delegated to me, Docket No. FAA 2008–0203; Airspace Docket No. 08–ANE–99, as published in the **Federal Register** on April 14, 2008 (73 FR 19995), is hereby withdrawn.

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1 963 Comp., p. 389.

Issued in College Park, Georgia, on May 8, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12783 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0130; Airspace Docket No. 08–AEA–11]

Modification of Class E Airspace; Wilkes-Barre, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; confirmation of effective date, correction.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** on February 21, 2008 (FR 73 9445) Docket No. FAA–2008–0130 that modifies Class E Airspace at Wilkes-Barre, PA. Additionally, this action corrects a minor technical error in the publication of the coordinates for the Wyoming Valley Medical Center, Wilkes-Barre, PA and the Community Medical Center, Scranton, PA.

DATES: Effective 0901 UTC, June 5, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–5581; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

History

The FAA published this direct final rule with a request for comments in the **Federal Register** on February 21, 2008 (73 FR 9445) to modify Class E airspace and restore previously published airspace descriptions at Wilkes-Barre, PA. After publication, it was discovered that the airport reference point coordinates of the Wyoming Valley Medical Center and the Community Medical Center Airports had minor errors. This action corrects those errors.

Confirmation of Effective Date

The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 10, 2008. It further advised that a confirmation docket would be published in the **Federal Register** confirming the effective date. This docket completes that requirement. No adverse comments were received, and thus this notice confirms that effective date.

Correction

■ Pursuant to the authority delegated to me, the publication in the **Federal Register** dated February 21, 2008 (73 FR 9445), **Federal Register** Docket No.

FAA–2008–0130, on page 9446, column 3, line 46 is corrected to read:

(Lat. 41°15′45″ N., long. 75°48′40″ W.)

and on page 9446, column 3, line 50 is corrected to read:

(Lat. 41°24′00″ N., long. 75°38′49″ W.)

* * * * *

Issued in College Park, GA on April 25, 2008.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E8–12782 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–8926; 34–57914; 39–2456; IC–28296]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual to reflect updates to the EDGAR system. The revisions are being made to address the removal of rescinded EDGAR submission types: S–4EF/A, F–4EF/A, N–14AE, and N–14AE/A, the addition of XBRL Standard Taxonomies, and the inclusion of new links for USGAAP XBRL Taxonomies.

The revisions to the Filer Manual reflect changes within Volume II entitled EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 8 (June 2008). The updated manual will be incorporated by reference into the Code of Federal Regulations.

DATES: *Effective Date:* June 12, 2008. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of June 12, 2008.

FOR FURTHER INFORMATION CONTACT: In the Office of Information Technology, Rick Heroux, at (202) 551–8800; in the Division of Corporation Finance for questions regarding EDGAR submission types S–4EF/A and F–4EF/A contact Cecile Peters, Office of Information Technology, Office Chief, at (202) 551–8135; in the Division of Investment Management for questions regarding EDGAR submission types N–14AE and N–14AE/A contact Ruth Armfield Sanders, Senior Special Counsel, Office of Legal and Disclosure, at (202) 551–6989; in the Office of Interactive Disclosure for questions concerning XBRL filings contact Jeffrey W. Naumann, Assistant Director of the Office of Interactive Disclosure, at (202) 551–5352.

SUPPLEMENTARY INFORMATION: Today we are adopting an updated EDGAR Filer Manual, Volume II. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.[1] It also describes the requirements for filing using EDGARLink[2] and the Online Forms/XML Web site.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[3] Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.[4]

For EDGAR Release 9.10, submission template 1 will be updated to remove the aforementioned submission type changes. It is highly recommended that filers download, install, and use the new EDGARLink submission templates to ensure that submissions will be processed successfully. Previous versions of the templates may not work properly. Notice of the update has previously been provided on the EDGAR Filing Web site and on the Commission's public Web site. The discrete updates are reflected on the EDGAR Filing Web site and in the updated Filer Manual, Volume II.

Along with adoption of the Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room 1580, Washington DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. We will post electronic format copies on the Commission's Web site; the address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml.* You may also obtain copies from Thomson Financial, the paper document contractor for the Commission, at (800) 638–8241.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA)[5]. It follows that the requirements of the Regulatory Flexibility Act[6] do not apply.

The effective date for the updated Filer Manual and the rule amendments is June 12, 2008. In accordance with the APA[7], we find that there is good cause to establish an effective date less than

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on August 20, 2007. *See* Release No. 33–8834 (August 15, 2007) [72 FR 46559].

[2] This is the filer assistance software we provide filers filing on the EDGAR system.

[3] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[4] *See* Release Nos. 33–6977 (February 23, 1993) [58 FR 14628], IC–19284 (February 23, 1993) [58 FR 14848], 35–25746 (February 23, 1993) [58 FR 14999], and 33–6980 (February 23, 1993) [58 FR 15009] in which we comprehensively discuss the rules we adopted to govern mandated electronic filing. *See also* Release No. 33–7122 (December 19, 1994) [59 FR 67752], in which we made the EDGAR rules final and applicable to all domestic registrants; Release No. 33–7427 (July 1, 1997) [62 FR 36450], in which we adopted minor amendments to the EDGAR rules; Release No. 33–7472 (October 24, 1997) [62 FR 58647], in which we announced that, as of January 1, 1998, we would not accept in paper filings that we require filers to submit electronically; Release No. 34–40934 (January 12, 1999) [64 FR 2843], in which we made mandatory the electronic filing of Form 13F; Release No. 33–7684 (May 17, 1999) [64 FR 27888], in which we adopted amendments to implement the first stage of EDGAR modernization; Release No. 33–7855 (April 24, 2000) [65 FR 24788], in which we implemented EDGAR Release 7.0; Release No. 33–7999 (August 7, 2001) [66 FR 42941], in which we implemented EDGAR Release 7.5; Release No. 33–8007 (September 24, 2001) [66 FR 49829], in which we implemented EDGAR Release 8.0; Release No. 33–8224 (April 30, 2003) [68 FR 24345], in which we implemented EDGAR Release 8.5; Release Nos. 33–8255 (July 22, 2003) [68 FR 44876] and 33–8255A (September 4, 2003) [68 FR 53289] in which we implemented EDGAR Release 8.6; Release No. 33–8409 (April 19, 2004) [69 FR 21954] in which we implemented EDGAR Release 8.7; Release No. 33–8454 (August 6, 2004) [69 FR 49803] in which we implemented EDGAR Release 8.8; Release No. 33–8528 (February 3, 2005) [70 FR 6573] in which we implemented EDGAR Release 8.10; Release No. 33–8573 (May 19, 2005) [70 FR 30899] in which we implemented EDGAR Release 9.0; Release No. 33–8612 (September 21, 2005) [70 FR 57130] in which the Commission granted the authorization to publish the release adopting the reorganized EDGAR Filer Manual; Release No. 33–8633 (November 1, 2005) [70 FR 67350] in which we implemented EDGAR Release 9.2; Release No 33–8656 (January 27, 2006) [71 FR 5596] in which we implemented EDGAR Release 9.3; Release No. 33–8834 (August 15, 2007)[72 FR 46559] in which we implemented EDGAR Release 9.7; and Release No. 33–3899 (May 30, 2008) in which we implemented EDGAR Release 9.8 and Release 9.9.

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

[6] 5 U.S.C. 601–612.

[7] 5 U.S.C. 553(d)(3).

30 days after publication of these rules. The EDGAR system upgrade to Release 9.10 is scheduled to become available on May 5, 2008. The Commission believes that it is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[8] Sections 3, 12, 13, 14, 15, 23, and 35A of the Exchange Act,[9] Section 319 of the Trust Indenture Act of 1939,[10] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[11]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C. 1350.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: ''General Information,'' Version 4 (August 2007). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 8 (June, 2008). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: ''N–SAR Supplement,'' Version 1 (September 2005). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m., or by calling Thomson Financial at (800) 638–8241. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml*. You can also inspect the document 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/code_of_federal_regulations/ibr_locations.html*.

By the Commission.

Dated: June 4, 2008.

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–12961 Filed 6–11–08; 8:45 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[9] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w, and 78*ll*.

[10] 15 U.S.C. 77sss.

[11] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 10

[CBP Dec. 08–21]

RIN 1505–AB90

Articles Assembled Abroad: Operations Incidental to the Assembly Process

AGENCIES: Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs and Border Protection (''CBP'') Regulations in title 19 of the Code of Federal Regulations (19 CFR) in order to remove a provision that draws a distinction between preservative and decorative painting for purposes of the partial duty exemption under subheading 9802.00.80, Harmonized Tariff Schedule of the United States (''HTSUS''). The change is made to conform the CBP Regulations with the holding of a court decision in which the regulatory distinction between preservative and decorative painting was found to be invalid.

DATES: Final rule effective July 14, 2008.

FOR FURTHER INFORMATION CONTACT: Gerry O'Brien, Regulations and Rulings, Office of International Trade, (202) 572–8792.

SUPPLEMENTARY INFORMATION:

Background

Subheading 9802.00.80, Harmonized Tariff Schedule of the United States (''HTSUS''), 19 U.S.C. 1202, provides a partial duty exemption for articles assembled abroad in whole or in part of fabricated components, the products of the United States, which: (a) Were exported in condition ready for assembly without further fabrication; (b) have not lost their physical identity in such articles by change in form, shape, or otherwise; and, (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process, such as cleaning, lubricating, and painting. The regulations implementing subheading 9802.00.80, HTSUS, are found within §§ 10.11 through 10.26 of title 19 of the Code of Federal Regulations (19 CFR 10.11–10.26).

Section 10.13 of title 19 of the CFR (19 CFR 10.13) provides that articles that satisfy the requirements of subheading 9802.00.80, HTSUS, are subject to a duty upon the full value of the imported article, less the cost or, if no charge is made, the value of such products in the United States. The rate of duty that is assessed on an imported article eligible for the partial duty exemption under subheading 9802.00.80, HTSUS, is that which is applicable to the imported article as a whole under the appropriate HTSUS provision for such article.

Section 10.16 of title 19 of the CFR (19 CFR 10.16) concerns the assembly operations for purposes of subheading 9802.00.80, HTSUS. Section 10.16(b) sets forth general information regarding operations considered incidental to the assembly process. Under § 10.16(b), operations incidental to the assembly process whether performed before, during, or after assembly, do not constitute further fabrication, and will not preclude the application of the exemption. Examples of operations considered incidental to the assembly process are provided under

§§ 10.16(b)(1)–(7). The application of preservative paint or coating, including preservative metallic coating, lubricants, or protective encapsulation is currently considered an operation incidental to the assembly process under § 10.16(b)(3).

Section 10.16(c) sets forth general information regarding operations that are not considered incidental to the assembly process. Under § 10.16(c), any significant process, operation, or treatment other than assembly whose primary purpose is the fabrication, completion, physical or chemical improvement of a component, or which is not related to the assembly process, whether or not it effects a substantial transformation of the article, will not be regarded as incidental to the assembly process and will preclude the application of the duty exemption to the article. Examples of operations that are not considered incidental to the assembly process are set forth under §§ 10.16(c)(1)–(5). Pursuant to § 10.16(c)(3), painting primarily intended to enhance the appearance of an article or to impart distinctive features or characteristics is not currently considered an operation incidental to the assembly process.

As indicated, § 10.16 currently draws a distinction between preservative and decorative painting for purposes of the partial duty exemption under subheading 9802.00.80, HTSUS: Painting operations performed abroad that are deemed to be ''preservative'' in nature are considered incidental to the assembly process under § 10.16(b)(3) and will not preclude application of the partial duty exemption under subheading 9802.00.80, HTSUS; and, painting operations performed abroad that are deemed to be ''decorative'' in nature are not considered incidental to the assembly process under § 10.16(c)(3) and will preclude application of the partial duty exemption under subheading 9802.00.80, HTSUS.

Explanation of Amendments

In *DaimlerChrysler Corporation* v. *United States,* 361 F.3d 1378 (Fed. Cir. 2004), the United States Court of Appeals for the Federal Circuit considered the issue of whether § 10.16 was valid to the extent that the regulation draws this distinction between preservative and decorative painting for purposes of the partial duty exemption under subheading 9802.00.80, HTSUS. In that case, DaimlerChrysler Corporation assembled trucks in Mexico with sheet metal components from the United States. The sheet metal components were initially treated with primer coats designed to prevent corrosion. After heat treatment, color coats and clear coats, referred to as ''top coats'', were applied to the sheet metal components.

Customs and Border Protection (''CBP'') considered the primer coats to be preservative in nature and, consequently, determined that the application of the primer coats was an operation incidental to the assembly process under § 10.16(b)(3). However, CBP considered the top coats to be decorative in nature because they were intended primarily to enhance the appearance of the trucks. Because CBP did not consider application of the top coats to be an operation incidental to the assembly process pursuant to § 10.16(c)(3), these operations were not eligible for a partial duty exemption under subheading 9802.00.80, HTSUS.

Upon considering this particular issue on appeal, the U.S. Court of Appeals for the Federal Circuit held that subheading 9802.00.80, HTSUS, unambiguously provides that painting is an operation incidental to the assembly process. Therefore, the court determined that the distinction between preservative and decorative painting set forth in § 10.16 is invalid.

In order to implement the court's interpretation of subheading 9802.00.80, HTSUS, CBP is amending § 10.16 so as to eliminate the distinction in the regulation between preservative and decorative painting. Section 10.16(b)(3) is amended to provide that applying paint or preservative coating, including preservative metallic coating, lubricants, or protective encapsulation, constitutes an operation incidental to the assembly process for purposes of subheading 9802.00.80, HTSUS. In addition, this document removes from the regulations § 10.16(c)(3), which currently provides that painting primarily intended to enhance the appearance of an article, or to impart distinctive features or characteristics, is not considered an operation incidental to the assembly process. Sections 10.16(c)(4) and (c)(5) are redesignated as §§ 10.16(c)(3) and (c)(4), respectively.

The amendments conform the regulations to reflect the decision issued by the United States Court of Appeals for the Federal Circuit in *DaimlerChrysler Corporation* v. *United States* by removing from § 10.16 the distinction between preservative and decorative painting. Under the amendments, for example, the application of primer coats and top coats will both be considered incidental to the assembly process for purposes of the partial duty exemption under subheading 9802.00.20, HTSUS. Finally, this document amends §§ 10.16(b) and (c) by removing the word ''shall'' each place it appears and adding, in its place, the word ''will''.

Inapplicability of Prior Public Notice

This document deletes from the regulations a provision determined to be invalid by the United States Court of Appeals for the Federal Circuit and benefits the public by expanding the scope of painting operations that will be considered incidental to the assembly process and thus eligible for a partial duty exemption under subheading 9802.00.80, HTSUS. For these reasons, CBP has determined, pursuant to the provisions of 5 U.S.C. 553(b)(B), that prior public notice and comment procedures on this regulation are unnecessary and contrary to the public interest.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Signing Authority

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects in 19 CFR Part 10

Assembly, Customs duties and inspection, Imports, Preference programs, Reporting and recordkeeping requirements, Trade agreements.

Amendments to the CBP Regulations

■ For the reasons set forth above, part 10 of title 19 of the Code of Federal Regulations (19 CFR part 10) is amended as follows:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

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

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

* * * * *

■ 2. In § 10.16:

■ a. In paragraph (b), the introductory paragraph and paragraph (b)(3) are revised;

■ b. In paragraph (c), the introductory text is amended by removing the word ''shall'' each place it appears in the first

sentence and adding, in its place, the word ''will'';

■ c. Paragraph (c)(3) is removed; and

■ d. Paragraphs (c)(4) and (c)(5) are redesignated as paragraphs (c)(3) and (c)(4), respectively.

The revisions read as follows:

§ 10.16 Assembly abroad.

* * * * *

(b) *Operations incidental to the assembly process.* Operations incidental to the assembly process whether performed before, during, or after assembly, do not constitute further fabrication, and will not preclude the application of the exemption. The following are examples of operations which are incidental to the assembly process:

* * * * *

(3) Application of paint or preservative coating, including preservative metallic coating, lubricants, or protective encapsulation;

* * * * *

Approved: June 6, 2008.

Jayson P. Ahern,

Acting Commissioner, U.S. Customs and Border Protection.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. E8–13203 Filed 6–11–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9398]

RIN 1545–BD70

Partner's Distributive Share; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations; correction.

SUMMARY: This document contains a correction to final regulations (TD 9398) that were published in the **Federal Register** on Monday, May 19, 2008 (73 FR 28699) providing rules for testing whether the economic effect of an allocation is substantial within the meaning of section 704(b) where partners are look-through entities or members of a consolidated group. The final regulations clarify the application of section 704(b) to partnerships the interests of which are owned by look-through entities and members of consolidated groups and, through an example, reiterate the effect of other provisions of the Internal Revenue Code on partnership allocations.

DATES: This correction is effective *June 12, 2008,* and is applicable on May 19, 2008.

FOR FURTHER INFORMATION CONTACT: Jonathan E. Cornwell and Kevin I. Babitz at (202) 622–3050 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under section 704 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9398) contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

■ Accordingly, the publication of the final regulations (TD 9398), which were the subject of FR Doc. E8–11176, is corrected as follows:

On page 28701, column 2, in the preamble, under the paragraph heading ''*B. The Baseline for Comparison in § 1.704–1(b)(2)(iii)*'', line 2 from the bottom of the second paragraph, the language ''and (2) and the conclusions reached by'' is corrected to read ''and (*2*) and the conclusions reached by''.

LaNita Van Dyke,

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

[FR Doc. E8–13251 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9398]

RIN 1545–BD70

Partner's Distributive Share; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to final regulations (TD 9398) that were published in the **Federal Register** on Monday, May 19, 2008 (73 FR 28699) providing rules for testing whether the economic effect of an allocation is substantial within the meaning of section 704(b) where partners are look-through entities or members of a consolidated group. The final regulations clarify the application of section 704(b) to partnerships the interests of which are owned by look-through entities and members of consolidated groups and, through an example, reiterate the effect of other provisions of the Internal Revenue Code on partnership allocations.

DATES: This correction is effective June 12, 2008, and is applicable on May 19, 2008.

FOR FURTHER INFORMATION CONTACT: Jonathan E. Cornwell and Kevin I. Babitz at (202) 622–3050 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under section 704 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9398) contain errors that may prove to be misleading and are 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 correcting amendments:

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 1.704–1 is amended as follows:

1. In paragraph (b)(2)(iii)(*d*)(*3*), the last sentence, the language ''In the case of a controlled foreign corporation that is a look-through entity, the tax attributes to be taken into account are those of any person that is a United States shareholder (as defined in paragraph (b)(2)(iii)(d)(5) of this section) of the controlled foreign corporation, or, if the United States shareholder is a look-through entity, a United States person that owns an interest in such shareholder directly or indirectly through one or more look-through entities.'' is removed and the language ''In the case of a controlled foreign corporation that is a look-through entity, the tax attributes to be taken into account are those of any person that is a United States shareholder (as defined

in paragraph (b)(2)(iii)(*d*)(*5*) of this section) of the controlled foreign corporation, or, if the United States shareholder is a look-through entity, a United States person that owns an interest in such shareholder directly or indirectly through one or more look-through entities.'' is added in its place.

2. In paragraph (b)(5) *Example 29.*, the fourth sentence, the language ''C is a partnership with two partners, E, an individual, and F, a corporation that is member of a consolidated group within the meaning of § 1.1502–1(h).'' is removed and the language ''C is a partnership with two partners, E, an individual, and F, a corporation that is a member of a consolidated group within the meaning of § 1.1502–1(h).'' is added in its place.

LaNita Van Dyke,

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

[FR Doc. E8–13247 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0363]

RIN 1625–AA00

Safety Zone: Parexel Fireworks Display

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is creating a temporary safety zone for the Parexel Fireworks display to be held on June 23, 2008 in Boston, Massachusetts. The zone temporarily closes all waters of Boston Harbor within a three hundred (300) yard radius of the fireworks launch site located in Boston Harbor at approximate position 42°21′26″ N., 071°2′38″ W. The safety zone is necessary to protect the maritime public from the potential hazards posed by a fireworks display. Entry into this zone is prohibited during the closure period unless authorized by the Captain of the Port, Boston.

DATES: This rule is effective from 9:00 p.m. through 11:00 p.m. on June 23, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0363 and are available online at *www.regulations.gov.* They are also available for inspection or copying at two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and U.S. Coast Guard, Sector Boston, 427 Commercial St, Boston, MA 02109 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Chief Petty Officer Eldridge McFadden at 617–223–5160. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM.

As the fireworks display is scheduled to occur on June 23, 2008, any delay encountered in the regulation's effective date would be contrary to the public interest since the safety zone is needed to prevent traffic from transiting a portion of Boston Harbor during the fireworks display thus ensuring that the maritime public is protected from any potential harm associated with such an event. Additionally, although this rule will prevent traffic from transiting a portion of Boston Harbor during the fireworks display, the effect of this rule will not be significant for several reasons: Vessels will be excluded from the safety zone for two hours; small vessels, although excluded from the zone, will have sufficient navigable water to safely maneuver in the waters surrounding the zone; and advance notifications will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

Background and Purpose

Parexel is holding a fireworks display for a corporate celebration. This temporary rule established a temporary safety zone on the waters of Boston Harbor within a three hundred (300) yard radius of the fireworks launch site located in Boston harbor at approximate position 42°21′26″ N., 071°2′38″ W. This safety zone is necessary to protect the life and property of the maritime public from the potential dangers posed by this event. The zone will protect the public by prohibiting entry into or movement within the proscribed portion of Boston Harbor during the fireworks display.

Marine traffic may transit safely outside of the zone during the effective period. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notifications will be made prior to and during the effective period via safety marine information broadcasts and Local Notice to Mariners.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone in Boston Harbor, Boston, Massachusetts. The safety zone would be in effect from 9 p.m. until 11 p.m. on June 23, 2008. Marine traffic may transit safely outside of the safety zone in Boston Harbor during the event. This safety zone will control vessel traffic during the fireworks display to protect the safety of the maritime public.

Due to the limited time frame of the fireworks display, the Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via local notice to mariners.

Regulatory Evaluation

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

Although this rule will prevent traffic from transiting a portion of Boston Harbor during the fireworks display, the effect of this rule will not be significant for several reasons: vessels will be excluded from the safety zone for two hours, small vessels, although excluded from the zone, will have sufficient navigable water to safely maneuver in the waters surrounding the zone; and advance notifications will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Boston Harbor from 9 p.m. EDT through 11 p.m. on June 23, 2008. This safety zone will not have a significant economic impact on a substantial number of small entities for the reason described under the Regulatory Evaluation section.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard proposes to temporarily amend 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, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T01–0363 to read as follows:

§ 165.T–01–0363 Safety Zone: Parexel Fireworks Display, Boston, MA.

(a) *Location*. The following area is a safety zone: All waters of Boston Harbor, from surface to bottom, within a three hundred (300) yard radius of the fireworks launch site located in Boston

Harbor at approximate position 42°21′26″ N, 071°2′38″ W.

(b) *Effective Date.* This rule is effective from 9:00 p.m. through 11:00 p.m. on June 23, 2008.

(c) *Definitions.* (1) Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port (COTP).

(d) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone by any person or vessel is prohibited unless authorized by the Captain of the Port (COTP) Boston or the COTP's designated representative.

(2) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative to obtain permission by calling the Sector Boston Command Center at 617–223–5761. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the COTP's designated representative.

Dated: June 2, 2008.

Gail P. Kulisch,

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

[FR Doc. E8–13137 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2004–0488; FRL–8578–1]

RIN 2060–AM54

Protection of the Stratospheric Ozone: Alternatives for the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act provides for the review of alternatives to ozone-depleting substances and the approval of substitutes that do not present a risk more significant than other alternatives that are available. Under that authority, the Significant New Alternatives Policy (SNAP) program, the Environmental Protection Agency (EPA) is expanding the list of acceptable substitutes for ozone-depleting substances (ODS). The substitute addressed in this final rule (i.e., R–152a) is for the motor vehicle air conditioning (MVAC) end-use within the refrigeration and air-conditioning sector. This substitute does not pose significantly more risk than other substitutes that are available in this end use. Additionally, this substitute is a non ozone-depleting gas and consequently does not contribute to stratospheric ozone depletion.

DATES: This final rule is effective on August 11, 2008.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2004–0488. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy from the EPA Air and Radiation Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Karen Thundiyil, Stratospheric Protection Division, Office of Air and Radiation, MC 6205J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9464; fax number: (202) 343–2363; e-mail address: *thundiyil.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: This final action provides motor vehicle manufacturers and their suppliers an additional refrigerant option for motor vehicle air conditioning systems. The refrigerant substitute discussed in this action (i.e., R–152a) is non ozone-depleting. Members of the MVAC manufacturing and MVAC service industries have all been actively engaged in the development of this rulemaking and are developing prototype systems with the use conditions defined in this rulemaking.

This final action helps harmonize U.S. MVAC alternatives with European Union (EU) MVAC alternatives. The EU has banned the use of R–134a, the predominant MVAC refrigerant in the U.S and the EU, in new cars beginning in 2011. By 2020, cars sold in the EU may have to include the new alternative in this action. In response, U.S. original equipment manufacturers are developing MVAC systems using R–152a and other alternative refrigerants for the European market and for possible U.S. sale as well.

EPA is deferring final rulemaking on R–744 (carbon dioxide). EPA is currently continuing to consider further several issues with respect to this regulatory action.

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I. Significant New Alternatives Policy (SNAP) Program Authority

Section 612 of the Clean Air Act (the Act) authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

A. Rulemaking

Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (e.g., chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform,

methyl bromide, and hydrobromofluorocarbon) or class II (e.g., hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

B. Listing of Unacceptable/Acceptable Substitutes

Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses and to publish a corresponding list of acceptable alternatives for specific uses.

C. Petition Process

Section 612(d) grants the right to any person to petition EPA to add a substance to, or delete a substance from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.

D. 90-day Notification

Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

E. Outreach

Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

F. Clearinghouse

Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

On March 18, 1994, EPA published the original rulemaking (59 FR 13044) which described the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: Refrigeration and air-conditioning; foam blowing; solvents cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors compose the principal industrial sectors that historically consumed the largest volumes of ozone-depleting substances.

For the purposes of SNAP, the Agency defines a ''substitute'' as ''any chemical, product substitute, or alternative manufacturing process, whether existing or new, intended for use as a replacement for a class I or class II compound'' 40 CFR 82.172. Anyone who produces a substitute must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to substitute manufacturers, but may include importers, formulators, or end-users, when they are responsible for introducing a substitute into commerce.

A complete chronology of SNAP decisions and the appropriate **Federal Register** citations are available at EPA's Stratospheric Ozone World Wide Web site at *http://www.epa.gov/ozone/snap/chron.html.* This information is also available from the Air Docket (see **ADDRESSES** section above for contact information).

II. SNAP Listing Decisions

The Agency has identified four possible decision categories for substitutes: Acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; and unacceptable. Use conditions and narrowed use limits are both considered ''use restrictions'' and are explained below. Substitutes that are deemed acceptable with no use restrictions (no use conditions or narrowed use limits) can be used for all applications within the relevant sector end-use. Substitutes that are acceptable subject to use restrictions may be used only in accordance with those restrictions. It is illegal to replace an ozone depleting substance (ODS) with a substitute listed as unacceptable.

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if certain conditions of use are met to minimize risks to human health and the environment. We describe such substitutes as ''acceptable subject to use conditions.'' If you use these substitutes without meeting the associated use conditions, you use these substitutes in an unacceptable manner and you could be subject to enforcement for violation of section 612 of the Clean Air Act.

For some substitutes, the Agency may permit a narrowed range of use within a sector. For example, we may limit the use of a substitute to certain end-uses or specific applications within an industry sector or may require a user to demonstrate that no other acceptable end uses are available for their specific application. We describe these substitutes as ''acceptable subject to narrowed use limits.'' If you use a substitute that is acceptable subject to narrowed use limits, but use it in applications and end-uses which are not consistent with the narrowed use limit, you are using these substitutes in an unacceptable manner and you could be subject to enforcement for violation of section 612 of the Clean Air Act.

The Agency publishes its SNAP program decisions in the **Federal Register**. For those substitutes that are deemed acceptable subject to use restrictions (use conditions and/or narrowed use limits), or for substitutes deemed unacceptable, we first publish these decisions as proposals to allow the public opportunity to comment, and we publish final decisions as final rulemakings.

In contrast, we publish substitutes that are deemed acceptable with no restrictions in ''notices of acceptability,'' rather than as proposed and final rules. As described in the rule implementing the SNAP program (59 FR 13044), we do not believe that rulemaking procedures are necessary to list alternatives that are acceptable without restrictions because such listings neither impose any sanction nor prevent anyone from using a substitute.

Many SNAP listings include ''Comments'' or ''Further Information.'' These statements provide additional information on substitutes that we determine are unacceptable, acceptable subject to narrowed use limits, or acceptable subject to use conditions. Since this additional information is not part of the regulatory decision, these statements are not binding for use of the substitute under the SNAP program. However, regulatory requirements listed in this column are binding under other programs. The further information does not necessarily include all other legal obligations pertaining to the use of the substitute. However, we encourage users of substitutes to apply all statements in the ''Comments'' column in their use of these substitutes. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry standards. Thus, many of the comments, if adopted, would not require the

affected industry to make significant changes in existing operating practices.

III. Summary of Acceptability Determinations

EPA has determined that R–152a (hydrofluorocarbon (HFC)–152a) is an acceptable refrigerant substitute (will now be referred to as ''refrigerant'') with use conditions for MVAC systems, as a replacement for CFC–12 in new MVAC systems. This determination applies to MVAC systems in newly manufactured vehicles only. EPA proposed to find R–152a as an acceptable substitute for CFC–12 in new MVAC systems on September 21, 2006 at 71 FR 55140 in a Notice of Proposed Rulemaking (referred to hereinafter as ''the proposal'' or NPRM).

IV. Summary of the Proposal

In the September 2006 NPRM, the Agency proposed that new R–152a motor vehicle air conditioning systems be listed as acceptable with the use condition that systems must be designed to avoid occupant exposure to concentrations above 3.7% for more than 15 seconds in the passenger cabin free space, even in the event of a leak. The proposal noted that the addition of a squib valve/directed release system is one effective strategy for mitigating risk of R–152a systems and that other mitigation strategies may also prove effective.

In the NPRM, EPA proposed requiring prominent labeling of R–152a MVAC systems with a warning such as ''CAUTION SYSTEM CONTAINS FLAMMABLE R–152a REFRIGERANT—TO BE SERVICED ONLY BY QUALIFIED PERSONNEL.'' Consistent with SAE J639 Standard, this label should be mounted in the engine compartment on a component that is not normally replaced and where it can be easily seen. This label should include refrigerant identification information and indicate the refrigerant is flammable. Additionally, the NPRM noted that the original equipment manufacturer (OEM) should conduct and maintain records of failure mode and effects analysis (FMEA) tests they perform to ensure that MVAC systems are safe and are designed with sufficient risk mitigation devices to ensure that occupants are not exposed to levels of R–152a above 3.7% for more than 15 seconds.

V. R–152a Exposure

The American Industrial Hygienists Association (AIHA) Workplace Environmental Exposure Limit (WEEL) (8 hour time weighted average) for R–152a is 1,000 ppm (0.1% v/v), the highest occupational exposure limit allowed under standard industrial hygiene practices for any industrial chemical. The toxicity profile of R–152a is comparable to R–12 and its most prevalent substitute, R–134a. The lowest observed adverse effect level for R–152a toxicity (15%) is above the level of flammability concern, discussed below, so protecting against flammable concentrations protects against potentially toxic conditions as well.

A wide range of concentrations has been reported for R–152a flammability where the gas poses a risk of ignition and fire (3.7%–20% by volume in air). Different test conditions, impurities and the measurement approach can all contribute to the range of flammable concentrations of R–152a. The lower flammability limit (LFL) for R–152a has been tested by many laboratories using different testing protocols with results ranging from 3.7% to 4.2%. EPA selected the lowest reported LFL to assess the potential for passenger exposure and predict localized pockets of refrigerant concentrations within the passenger compartment. This selection increases confidence that the substitute is regulated in a manner that is protective of the general population.

VI. Final Rule Discussion

This section summarizes the final rule and describes any differences between the NPRM and the final rule.

As proposed in the NPRM, in this final rule, EPA finds R–152a acceptable in new motor vehicle air conditioning systems with the use condition that systems must be designed to avoid occupant exposure to concentrations of R–152a above 3.7% in the passenger cabin free space for more than 15 seconds, even in the event of a leak.

EPA requires prominent labeling of R–152a MVAC systems with a warning such as ''CAUTION SYSTEM CONTAINS FLAMMABLE R–152a REFRIGERANT—TO BE SERVICED ONLY BY QUALIFIED PERSONNEL.'' Consistent with SAE J639 Standard, this label must be mounted in the engine compartment on a component that is not normally replaced and where it can be easily seen. This label will include refrigerant identification information and indicate the refrigerant is flammable. In the final rule, EPA has added a reference to the new SAE J2773 Refrigerant Guidelines for Safety and Risk Analysis for Use in Mobile Air Conditioning Systems standard.

As proposed, we recommend that additional training for MVAC service technicians be provided and that OEMs conduct and keep on file FMEA on R–152a systems to ensure that MVAC systems are safe and are designed with sufficient risk mitigation devices to ensure that occupants are not exposed to R–152a concentrations above 3.7% for more than 15 seconds in the passenger cabin free space.

During the public comment period, the U.S. Army Research, Development and Engineering Command (RDECOM) submitted a revised risk analysis of R–152a MVAC systems (Docket Document ID: EPA–HQ–OAR–2004–0488–0025, now referred to as the Army/EPA assessment. For details, see Response to Comments section below). Based on their revised assessment, we have modified the effective squib valve activation time from the proposed level of 10 seconds to 3 seconds. This revision alters the EPA list of potential risk mitigation strategies, but does not impact this final rule's regulatory text.

VII. Response to Comments

EPA requested and received comments on the use conditions and the risk mitigation strategies described in the proposal, as well as on other related issues. This section summarizes public comment to the proposal and describes how comments have been addressed in this final rule. The public comments have been grouped by topic.

A. Servicing

One commenter indicated Clean Air Act Section 609-certified, independent MVAC service technicians should be consulted before the rule is issued. In response, EPA contacted the National Institute for Automotive Service Excellence (ASE), who represents independent MVAC service technicians. ASE indicated they did not see any servicing issues in the proposal that would impact MVAC service technicians, but awaits EPA's follow-on rulemaking under section 609 of the Clean Air Act that will address refrigerant recovery and recycling requirements for R–152a MVAC systems.

One commenter said risks associated with MVAC service should be considered. EPA has considered risks associated with MVAC service and finds that MVAC service technicians already deal with issues of high pressure, flammability and toxic materials. We do not believe the addition of R–152a with use conditions to the list of acceptable substitutes for new MVAC systems will result in any greater risks to service technicians and that technician training will alleviate risks to service personnel. Another commenter indicated additional training for MVAC service technicians should not be required since service technicians already deal with

the issues associated with R–152a. Section 609 technician certification is outside the scope of today's section 612 rulemaking; however, EPA agrees that additional training for MVAC service technicians is not necessary since technicians already deal with flammability issues. EPA has not added additional training requirements, but recommends additional training on servicing for R–152a MVACs as needed in accordance with industry recommendations.

One commenter requested more information on why EPA is not finding R–152a acceptable as a substitute in retrofitted systems. The SNAP submission did not seek acceptability for retrofit purposes. EPA's proposed action only addressed the uses specified in the SNAP submission, which did not request EPA to find R–152a acceptable in retrofitted MVAC systems.

This rulemaking applies to OEMs and not MVAC service shops. A separate rulemaking under section 609 of the Clean Air Act will be issued to specify new equipment and practices (if any) required in the servicing of MVAC systems using the new alternative.

B. Army/EPA Assessment

The Army and EPA collaborated to conduct the assessment relied upon in the NPRM to assess the risks associated with R–152a in MVAC systems. EPA received comment on the NPRM, and specifically, the assessment, from the Army RDECOM. The Army noted that the amount of R–152a originally modeled to enter the passenger compartment as a result of a sudden system discharge was significantly less than the amount that will be used in MVAC systems because of an incorrect design assumption. The Army corrected this inadvertent error and submitted a revised analysis (Docket Document ID: EPA–HQ–OAR–2004–0488–0025). An unmitigated discharge of R–152a, in full recirculation mode, results in a R–152a concentration above the lower flammability limit for more than 60 minutes. The Army comment also indicated a 3 second, not a 10 second squib valve as originally thought, would be needed to ensure that R–152a can be used safely in new MVAC systems. Informed with this new data, EPA still finds that R–152a has risks comparable to R–134a if this rule's use conditions are observed, but consistent with the Army's analysis, if a squib valve is used, a 3 second, not 10 second squib valve will meet the rule's conditions. The revised Army/EPA assessment is the analysis document the EPA refers to throughout today's action.

In reviewing the methodology used by the Army/EPA assessment, one commenter pointed out that cars are not hermetically sealed. The EPA agrees; the Army/EPA assessment does not assume a hermetically sealed passenger compartment.

EPA requested comment on the potential effects of these alternatives on children but received no comment; however, as a matter of EPA policy, we have evaluated the environmental health or safety effects of the refrigerants on children. The results of this evaluation are contained in the Army/EPA assessment. EPA believes that children do not suffer a disproportionate effect from R–152a in new MVAC systems. The exposure limits and acceptability listings in this rule apply to car occupants, and in particular car service technicians. We expect adults are more likely to be present than children in MVAC service shops and children and adults would be equally impacted by flammability concerns in the passenger compartment, thus, the refrigerant does not put children at risk disproportionately.

C. Risk Mitigation Strategies

The use conditions in this final rule specify concentration limits for R–152a in vehicle passenger compartments. EPA leaves the choice of technical solutions that will meet these concentration limits to the OEMs. EPA agrees with one commenter who noted that effective risk mitigation strategies can be active or passive.

One commenter indicated a secondary loop should be required for R–152a system to minimize flammability risk. The EPA does not intend to limit technological innovation by requiring a specific risk mitigation strategy, but it does recognize that a secondary loop R–152a system can meet the regulatory conditions. Two commenters indicated a 10 second squib valve is not sufficient to ensure that R–152a concentrations will not exceed 3.7% for 15 seconds. Again, the final rule does not prescribe a specific technological requirement; however, it should be noted EPA has modified the final rule consistent with the U.S. Army/EPA assessment revision that a 3 second squib valve would be required to ensure that an accidental discharge of R–152a system would prevent passenger compartment concentration of 3.7% for 15 seconds.

One commenter asked EPA to consider modifying the R–152a use condition from a concentration performance standard to one that specifies that the evaporator reaches residual evaporator pressure within 15 seconds of leak detection. EPA has considered this option. The commenter's suggested standard would not eliminate the potential for a flammable concentration of R–152a in the passenger compartment for an extended amount of time, i.e., more than 15 seconds. EPA finds its original proposal to be a technically feasible use condition that is more protective of possible flammable situations than the commenter's suggestion.

D. Industry Standards

Commenters indicated that SAE is developing standards for safety and servicing of alternative refrigerant MVAC systems. EPA notes that both the text of the SNAP regulatory conditions issued here, and additional information in the ''Comments'' column of the regulation reference the relevant SAE technical standards to promote consistency with established industry practices. Specifically, the rule use conditions reference the SAE J639 standard, Safety Standards for Motor Vehicle Refrigerant Vapor Compressions Systems Industry and SAE J2773, Refrigerant Guidelines for Safety and Risk Analysis for Use in Mobile Air Conditioning Systems. The ''Comments'' column references SAE J1739, Potential Failure Mode and Effects Analysis in Design (Design FMEA) and Potential Failure Mode and Effects Analysis in Manufacturing and Assembly Processes (Process FMEA) and Effects Analysis for Machinery (Machinery FMEA). SAE is also developing a standard for the measurement of R–152a in the passenger compartment that can be used to verify if a MVAC system design meets the requirements of this rulemaking.

E. Use Conditions

Two commenters indicated the need for clarity on whether the use conditions apply when the ignition is off as well as when the ignition is on. In response, the Agency clarified in the regulatory text that the use conditions apply only when the ignition is on.

One commenter stated that a vehicle crash could be so severe that the MVAC system evaporator could be damaged and possibly, reduce a risk mitigation system's effectiveness. The commenter proposed the inclusion of an evaporator crush resistance standard in this action. The final regulation requires that engineering strategies and/or devices shall be incorporated into the system such that ''foreseeable leaks'' into the passenger compartment do not result in elevated concentrations. While EPA understands that it is possible that a severe accident could damage an evaporator, we believe that in such case,

the damage to the car would be so severe as to result in inflow of ambient air, thus negating any risk associated with potentially elevated R–152a concentration.

Other use conditions already established in Appendix D to subpart G of 40 CFR Part 82, Subpart G, Appendix D are applicable to all substitute refrigerants in MVAC systems (*e.g.* unique fittings and labels).

VIII. Final Rule Summary

EPA finds R–152a acceptable with use conditions for new motor vehicle air conditioning (MVAC) systems. New R–152a systems must be designed to avoid occupant exposure to concentrations of R–152a above 3.7% in the passenger cabin free space for more than 15 seconds, even in the event of a leak.

EPA requires prominent labeling of R–152a MVAC systems with a warning such as ''CAUTION SYSTEM CONTAINS FLAMMABLE R–152a REFRIGERANT—TO BE SERVICED ONLY BY QUALIFIED PERSONNEL.'' Consistent with SAE J639 Standard, this label will be mounted in the engine compartment on a component that is not normally replaced and where it can be easily seen. This label will include refrigerant identification information and indicate that the refrigerant is flammable.

Additionally, the final rule recommends additional training for MVAC service technicians and that OEMs conduct and keep on file R–152a systems FMEA to ensure that MVAC systems are safe and are designed with sufficient risk mitigation devices to ensure that occupants are not exposed to R–152a concentrations above 3.7% for more than 15 seconds in the passenger cabin free space.

IX. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, (58 FR 51735; October 4, 1993) this action is a ''significant regulatory action.'' Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Order 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. Today's action is an Agency determination. It contains no new requirements for reporting. The only new recordkeeping requirement involves customary business practice. Today's rule requires minimal record-keeping of studies done to ensure that MVAC systems using R–152a meet the requirements set forth in this rule. Because it is customary business practice that OEMs conduct and keep on file Failure Mode and Effect Analysis (FMEA) on any potentially hazardous part or system, we believe this requirement will not impose an additional paperwork burden. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations in subpart G of 40 CFR part 82 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control numbers 2060–0226. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9.

C. Regulatory Flexibility Act (RFA)

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

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; for NAICS code 336111 (Automobile manufacturing), it is <1000 employees; for NAICS code 336391 (Motor Vehicle Air-Conditioning Manufacturing), it is <750 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, EPA certifies that this action will not have a significant adverse economic impact on a substantial number of small entities. This final rule will not impose any new requirements on small entities and is expected to relieve burden for some small entities.

OEMs are not mandated to move to R–152a MVAC systems. EPA is simply listing R–152a as an acceptable alternative with use conditions in new MVAC systems. This rule allows the use of this alternative to ozone depleting substances in the MVAC sector and outlines the conditions necessary for safe use. By approving this refrigerant under SNAP, EPA provides additional choice to the automotive industry which, if adopted, would reduce the impact of MVACs on the global environment. This rulemaking does not mandate the use of R–152a as a refrigerant in new MVACs.

D. Unfunded Mandates Reform Act

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

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Today's rule does not affect State, local,

or tribal governments. The enforceable requirements of today's rule related to integrating risk mitigation devices and documenting the safety of alternative MVAC systems affect only a small number of OEMs. This action provides additional technical options allowing greater flexibility for industry in designing consumer products. The impact of this rule on the private sector will be less than $100 million per year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. This regulation applies directly to facilities that use these substances and not to governmental entities. This rule does not mandate a switch to R–152a and the limited direct economic impact on entities from this rulemaking is less than $100 million annually.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This regulation applies directly to facilities that use these substances and not to governmental entities. Thus, Executive Order 13132 does not apply to this rule.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This final rule does not have tribal implications, as specified in Executive Order 13175. It does not significantly or uniquely affect the communities of Indian tribal governments, because this regulation applies directly to facilities that use these substances and not to governmental entities. Thus, Executive Order 13175 does not apply to this rule.

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

Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The exposure limits and acceptability listings in this rule apply to car occupants, and in particular car drivers and service technicians. We expect adults are more likely to be present than children in MVAC service shops and children and adults would be equally impacted by flammability concerns in the passenger compartment, thus, the refrigerant does not put children at risk disproportionately. As a matter of EPA policy, however, we have evaluated the environmental health or safety effects of the refrigerants on children. The results of this evaluation are contained in ''Risk Analysis for Alternative Refrigerant in Motor Vehicle Air Conditioning.''

During the public comment period, the public was invited to submit or identify peer-reviewed studies and data, of which the agency may not be aware, that assess the potential effects of these alternatives on children and the Agency received no comments addressing this issue.

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

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action would impact manufacturing and repair alternative MVAC systems. Preliminary information indicates that these new systems are more energy efficient than currently available systems in some climates. Therefore, we conclude that this rule is not likely to have any adverse effects on energy supply, distribution or use.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule, 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) directs EPA to use voluntary consensus standards in regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rulemaking involves technical standards. EPA has decided to use the SAE most recent versions of J639, J1739 and J2773. These standards can be obtained from *http://www.sae.org/technical/standards/*. These standards address safety and reliability issues concerning alternative refrigerant MVAC systems.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as

defined by 5 U.S.C. 804(2). This rule will be effective August 11, 2008.

List of Subjects in 40 CFR Part 82

Environmental protection, Motor vehicle air-conditioning, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: June 5, 2008.

Stephen L. Johnson,

Administrator.

■ For the reasons set out in the preamble, 40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart G—Significant New Alternatives Policy Program

■ 2. Appendix B to Subpart G is amended as follows:

■ a. In the first table by adding one new entry to the end of the table.

■ b. In the table titled ''Refrigerants—Unacceptable Substitutes'' by revising the entry for ''CFC–12 Motor Vehicle Air Conditioners (Retrofit and New Equipment/NIKs)''.

Appendix B to Subpart G of Part 82—Substitutes Subject to Use Restrictions and Unacceptable Substitutes

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS

Application	Substitute	Decision	Conditions	Comments
*	*	*	*	*
CFC–12 Automobile Motor Vehicle Air Conditioning (New equipment only).	R–152a as a substitute for CFC–12.	Acceptable subject to use conditions.	Engineering strategies and/or devices shall be incorporated into the system such that foreseeable leaks into the passenger compartment do not result in R–152a concentrations of 3.7% v/v or above in any part of the free space[1] inside the passenger compartment for more than 15 seconds when the car ignition is on. Manufacturers must adhere to all the safety requirements listed in the Society of Automotive Engineers (SAE) Standard J639, including unique fittings and a flammable refrigerant warning label as well as SAE Standard J2773.	Additional training for service technicians recommended. Manufacturers should conduct and keep on file failure mode and Effect Analysis (FMEA) on the MVAC as stated in SAE J1739.

[1] Free space is defined as the space inside the passenger compartment excluding the space enclosed by the ducting in the HVAC module.

REFRIGERANTS—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
*	*	*	*
CFC–12 Motor Vehicle Air Conditioners (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other Substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
	Flammable Substitutes, other than R–152a.	Unacceptable	The risks associated with using flammable substitutes (except R–152a) in this end-use have not been addressed by a risk assessment. R–152a may be used with the use conditions in Appendix B to this subpart.

* * * * *

[FR Doc. E8–13086 Filed 6–11–08; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–8027]

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.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or 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 II				
New York: Jewett, Town of, Greene County	361114	May 13, 1980, Emerg; April 4, 1983, Reg; May 16, 2008, Susp.	May 16, 2008 ...	May 16, 2008.
Region IV				
Florida: MacClenny, City of, Baker County	120590	June 20, 1980, Emerg; February 1, 1987, Reg; June 17, 2008, Susp.	June 17, 2008 ..	June 17, 2008.
Region V				
Ohio:				
Bexley, City of, Franklin County	390168	November 21, 1973, Emerg; November 15, 1978, Reg; June 17, 2008, Susp.	.....do*	Do.
Columbus, City of, Franklin County	390170	May 21, 1971, Emerg; July 5, 1983, Reg; June 17, 2008, Susp.	.....do	Do.
Dublin, City of, Franklin County	390673	June 21, 1974, Emerg; June 4, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Gahanna, City of, Franklin County	390171	May 17, 1973, Emerg; August 1, 1983, Reg; June 17, 2008, Susp.	.....do	Do.
Grandview Heights, City of, Franklin County.	390172	June 6, 1975, Emerg; August 15, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Grove City, City of, Franklin County	390173	October 15, 1974, Emerg; May 1, 1984, Reg; June 17, 2008, Susp.	.....do	Do.
Hilliard, City of, Franklin County	390175	April 10, 1974, Emerg; August 1, 1979, Reg; June 17, 2008, Susp.	.....do	Do.
Lockbourne, Village of, Franklin County	390691	September 12, 1978, Emerg; May 1, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Marble Cliff, Village of, Franklin County	390896	—, Emerg; August 2, 1995, Reg; June 17, 2008, Susp.	.....do	Do.
Minerva Park, Village of, Franklin County.	390791	March 21, 1975, Emerg; June 15, 1979, Reg; June 17, 2008, Susp.	.....do	Do.
Riverlea, Village of, Franklin County	390692	—, Emerg; June 9, 1999, Reg; June 17, 2008, Susp.	.....do	Do.
Upper Arlington, City of, Franklin County.	390178	August 8, 1973, Emerg; April 15, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Valleyview, Village of, Franklin County	390669	April 17, 1974, Emerg; June 15, 1979, Reg; June 17, 2008, Susp.	.....do	Do.
Westerville, City of, Franklin County	390179	March 30, 1973, Emerg; September 29, 1978, Reg; June 17, 2008, Susp.	.....do	Do.
Whitehall, City of, Franklin County	390180	October 7, 1974, Emerg; July 18, 1985, Reg; June 17, 2008, Susp.	.....do	Do.
Worthington, City of, Franklin County ...	390181	February 2, 1973, Emerg; August 1, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Wisconsin:				
Adams County, Unincorporated Areas ..	550001	May 31, 1974, Emerg; November 16, 1990, Reg; June 17, 2008, Susp.	.....do	Do.
Friendship, Village of, Adams County ...	550003	April 17, 1975, Emerg; November 16, 1990, Reg; June 17, 2008, Susp.	.....do	Do.
Region VI				
New Mexico:				
Espanola, City of, Santa Fe County	350052	April 4, 1975, Emerg; February 19, 1986, Reg; June 17, 2008, Susp.	.....do	Do.
Santa Fe, City of, Santa Fe County	350070	February 13, 1975, Emerg; July 2, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Santa Fe County, Unincorporated Areas.	350069	March 25, 1976, Emerg; November 4, 1988, Reg; June 17, 2008, Susp.	.....do	Do.
Region VII				
Nebraska: Taylor, Village of, Loup County	310325	October 8, 1976, Emerg; July 1, 1987, Reg; May 16, 2008, Susp.	May 12, 2008 ...	May 16, 2008.
Region X				
Oregon:				
Barlow, City of, Clackamas County	410013	February 10, 1976, Emerg; May 5, 1981, Reg; June 17, 2008, Susp.	June 17, 2008 ..	June 17, 2008.
Canby, City of, Clackamas County	410014	May 27, 1975, Emerg; June 15, 1984, Reg; June 17, 2008, Susp.	.....do	Do.
Clackamas County, Unincorporated Areas.	415588	April 2, 1971, Emerg; March 1, 1978, Reg; June 17, 2008, Susp.	.....do	Do.
Damascus, City of, Clackamas County	410006	—, Emerg; May 10, 2007, Reg; June 17, 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
Gladstone, City of, Clackamas County	410017	June 2, 1972, Emerg; March 15, 1977, Reg; June 17, 2008, Susp.	.....do	Do.
Happy Valley, City of, Clackamas County.	410026	May 28, 1975, Emerg; December 4, 1979, Reg; June 17, 2008, Susp.	.....do	Do.
Lake Oswego, City of, Clackamas County.	410018	March 19, 1974, Emerg; August 4, 1987, Reg; June 17, 2008, Susp.	.....do	Do.
Milwaukie, City of, Clackamas County ..	410019	May 19, 1972, Emerg; June 18, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Oregon City, City of, Clackamas County	410021	June 13, 1974, Emerg; February 15, 1980, Reg; June 17, 2008, Susp.	.....do	Do.
Rivergrove, City of, Clackamas County	410022	March 3, 1975, Emerg; August 4, 1987, Reg; June 17, 2008, Susp.	.....do	Do.
Sandy City, City of, Clackamas County	410023	June 25, 1974, Emerg; December 11, 1979, Reg; June 17, 2008, Susp.	.....do	Do.
West Linn, City of, Clackamas County	410024	October 20, 1972, Emerg; March 15, 1977, Reg; June 17, 2008, Susp.	.....do	Do.
Wilsonville, City of, Clackamas County	410025	April 30, 1975, Emerg; January 6, 1982, Reg; June 17, 2008, Susp.	.....do	Do.

*do=Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: June 6, 2008.

David I. Maurstad,

Assistant Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E8–13192 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA—B–7785]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

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

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

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

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

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

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

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

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

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

Executive Order 12988, Civil Justice Reform. This interim rule meets the

applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

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

§ 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Coconino	Unincorporated areas of Coconino County (07–09–1875P).	April 23, 2008; April 30, 2008; *Arizona Daily Sun*.	The Honorable Deb Hill, Chairman, Coconino County, Board of Supervisors, 219 East Cherry Avenue, Flagstaff, AZ 86001.	April 15, 2008	040019
Maricopa	City of Peoria (07–09–1919P).	May 1, 2008; May 7, 2008; *Daily News-Sun*.	The Honorable Bob Barrett, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	September 4, 2008	040050
Yavapai	Town of Prescott Valley (07–09–1655P).	April 21, 2008; April 28, 2008; *Prescott Daily Courier*.	The Honorable Harvey C. Skoog, Mayor, Town of Prescott Valley, 7501 East Civic Circle, Prescott Valley, AZ 86314.	April 14, 2008	040121
Yavapai	Unincorporated areas of Yavapai County (07–09–1655P).	April 21, 2008; April 28, 2008; *Prescott Daily Courier*.	The Honorable Chip Davis, Chairman, Yavapai County Board of Supervisors, 1015 Fair Street, Prescott, AZ 86305.	April 14, 2008	040093
California: San Diego.	City of Vista (08–09–0596P).	May 1, 2008; May 8, 2008; *City of Vista*.	The Honorable Morris C. Vance, Mayor, City of Vista, 600 Eucalyptus Avenue, Building One, Vista, CA 92084.	September 5, 2008	060297
Colorado: El Paso	City of Colorado Springs (08–08–0212P).	April 30, 2008; May 7, 2008; *El Paso County News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	September 4, 2008	080060
Connecticut: New Haven.	City of New Haven (07–01–1096P).	April 24, 2008; May 1, 2008; *New Haven Register*.	The Honorable John DeStefano, Jr., Mayor, City of New Haven, 165 Church Street, New Haven, CT 06510.	April 17, 2008	090084
Georgia:					
Camden	Unincorporated areas of Camden County (08–04–1081P).	April 18, 2008; April 25, 2008; *Tribune & Georgian*.	The Honorable Preston Rhodes, Chairman, Camden County, Board of Commissioners, P.O. Box 248, White Oak, GA 31568.	August 25, 2008	130262
Camden	City of Kingsland (08–04–1081P).	April 18, 2008; April 25, 2008; *Tribune & Georgian*.	The Honorable Kenneth Smith, Mayor, City of Kingsland, P.O. Box 250, Kingsland, GA 31548.	August 25, 2008	130238
Kentucky: Hardin	Unincorporated areas of Hardin County (08–04–1717P).	May 2, 2008; May 9, 2008; *The News-Enterprise*.	The Honorable Harry L. Berry, Hardin County Judge, P.O. Box 568, Elizabethtown, KY 42702.	September 8, 2008	210094
Minnesota:					
Anoka	City of Blaine (07–05–4703P).	May 2, 2008; May 9, 2008; *Spring Lake Park Life*.	The Honorable Thomas Ryan, Mayor, City of Blaine, 10801 Town Square Drive, Northeast, Blaine, MN 55449.	September 8, 2008	270007
Olmsted	Unincorporated areas of Olmsted County (07–05–4071P).	April 10, 2008; April 17, 2008; *Post Bulletin*.	The Honorable Ken Brown, Commissioner, Olmsted County Board of Commissioners, 151 Fourth Street Southeast, Rochester, MN 55904.	August 18, 2008	270626
Olmsted	City of Rochester (07–05–4071P).	April 10, 2008; April 17, 2008; *Post Bulletin*.	The Honorable Ardell F. Brede, Mayor, City of Rochester, 201 Fourth Street, Southeast, Room 281, Rochester, MN 55904.	August 18, 2008	275246
Mississippi: DeSoto	City of Olive Branch (08–04–0546P).	May 8, 2008; May 15, 2008; *DeSoto Times Today*.	The Honorable Samuel P. Rikard, Mayor, City of Olive Branch, 9200 Pigeon Roost Road, Olive Branch, MS 38654.	April 30, 2008	280286
North Carolina:					
Forsyth	City of Winston-Salem (07–04–4554P).	February 27, 2008; March 5, 2008; *Winston-Salem Journal*.	The Honorable Allen Joines, Mayor, City of Winston-Salem, 101 North Main Street, Winston-Salem, North Carolina 27101.	July 3, 2008	375360
Wake	Town of Cary (07–04–2347P).	April 23, 2008; April 30, 2008; *The Cary News*.	The Honorable Ernest F. McAlister, Mayor, Town of Cary, P.O. Box 8005, Cary, North Carolina 27512–8005.	April 11, 2008	370238
Watauga	Town of Blowing Rock (07–04–6273P).	April 24, 2008; May 1, 2008; *The Blowing Rocket*.	The Honorable James B. Lawrence, Mayor, Town of Blowing Rock, P.O. Box 47, Blowing Rock, North Carolina 27605.	April 15, 2008	370252
Ohio: Warren	Village of Monroe (07–05–2593P).	April 10, 2008; April 17, 2008; *Pulse Journal*.	The Honorable Robert Routson, Mayor, City of Monroe, P.O. Box 330, Monroe, OH 45050–0330.	August 18, 2008	390042
Texas:					
Brazos	City of College Station (07–06–2365P).	April 7, 2008; April 10, 2008; *Bryan College Station Eagle*.	The Honorable Ben White, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	April 25, 2008	480083

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Denton	City of Roanoke (07–06–2276P).	May 1, 2008; May 8, 2008; *Denton County Chronicle.*	The Honorable Carl E. Gierisch, Jr., Mayor, City of Roanoke, 108 South Oak Street, Roanoke, TX 76262.	April 28, 2008	480785
Travis	City of Austin (08–06–0658P).	May 1, 2008; May 8, 2008; *Austin American Statesman.*	The Honorable Will Wynn, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	September 5, 2008	480624
Wisconsin: Dane	Unincorporated areas of Dane County (08–05–1758P).	May 1, 2008; May 8, 2008; *Oregon Observer.*	The Honorable Kathleen Falk, Dane County Executive, 210 Martin Luther King Jr. Boulevard, Room 421, Madison, WI 53703.	September 5, 2008	550077

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

Dated: May 28, 2008.

David I. Maurstad,

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

[FR Doc. E8–13209 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

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

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

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

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

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

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

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

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

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

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

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

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

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

§ 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Talladega (FEMA Docket No.: B–7766).	Unincorporated areas of Talladega County (07–04–6542P).	December 14, 2007; December 21, 2007; *The Daily Home*.	The Honorable James G. Hilber, Administrator, Talladega County, P.O. Box 6170, Talladega, AL 35161.	March 21, 2008	010297
California:					
Riverside (FEMA Docket No.: B–7766).	City of Corona (07–09–1194P).	November 1, 2007; November 8, 2007; *The Press-Enterprise*.	The Honorable Eugene Montanez, Mayor, City of Corona, 400 South Vincentia Avenue, Corona, CA 92882.	February 7, 2008	060250
Santa Barbara (FEMA Docket No.: B–7766).	Unincorporated areas of Santa Barbara County (06–09-BF87P).	December 20, 2007; December 27, 2007; *Santa Barbara News-Press*.	The Honorable Brooks Firestone, Chair, Santa Barbara County Board of Supervisors, 105 East Anapamu Street, Santa Barbara, CA 93101.	December 6, 2007	060331
Colorado:					
El Paso (FEMA Docket No.: B–7766).	Unincorporated areas of El Paso County (07–08–0324P).	December 5, 2007; December 12, 2007; *El Paso County Advertiser and News*.	The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903–2208.	March 12, 2008	080059
El Paso (FEMA Docket No.: B–7766).	Unincorporated areas of El Paso County (07–08–0475P).	December 12, 2007; December 19, 2007; *El Paso County Advertiser and News*.	The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903.	November 30, 2007	080059
Jefferson (FEMA Docket No.: B–7766).	City of Arvada (07–08–0940P).	December 13, 2007; December 20, 2007; *The Golden Transcript*.	The Honorable Ken Fellman, Mayor, City of Arvada, 8101 Ralston Road, Arvada, CO 80002.	March 20, 2008	085072
Florida: Polk (FEMA Docket No.: B–7766).	Unincorporated areas of Polk County (07–04–5883P).	December 12, 2007; December 19, 2007; *The Polk County Democrat*.	Mr. Bob English, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	March 19, 2008	120261
Georgia: Columbia (FEMA Docket No.: B–7766).	Unincorporated areas of Columbia County (07–04–4973P).	December 12, 2007; December 19, 2007; *Columbia County News-Times*.	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	March 19, 2008	130059
Illinois:					
Cook (FEMA Docket No.: B–7766).	City of Hickory Hills (07–05–6033P).	December 13, 2007; December 20, 2007; *The Reporter*.	The Honorable Michael Howley, Mayor, City of Hickory Hills, 8652 West 95th Street, Hickory Hills, IL 60457.	November 30, 2007	170103
Morgan (FEMA Docket No.: B–7772).	City of Jacksonville (07–05–0512P).	January 10, 2008; January 17, 2008; *Jacksonville Journal-Courier*.	The Honorable Ron Tendick, Mayor, City of Jacksonville, 200 West Douglas Avenue, Jacksonville, IL 62650.	December 12, 2007	170516
Kentucky: Jefferson (FEMA Docket No.: B–7766).	Metropolitan Government of Louisville-Jefferson County (07–04–4634P).	December 13, 2007; December 20, 2007; *The Courier Journal*.	The Honorable Jerry E. Abramson, Mayor, Metropolitan Government of Louisville-Jefferson County, 527 West Jefferson Street, Louisville, KY 40202.	March 20, 2008	210120
Missouri:					
Jackson (FEMA Docket No.: B–7761).	City of Lee's Summit (07–07–1867P).	November 23, 2007; November 30, 2007; *Lee's Summit Journal*.	The Honorable Karen Messerli, Mayor, City of Lee's Summit, 220 Southeast Green Street, Lee's Summit, MO 64063.	December 10, 2007	290174
St. Charles (FEMA Docket No.: B–7766).	Unincorporated areas of St. Charles County (07–07–1738P).	December 12, 2007; December 19, 2007; *St. Charles Journal*.	The Honorable Steve Ehlmann, County Executive, St. Charles County, 201 North Second Street, St. Charles, MO 63301.	December 21, 2007	290315
Nevada: Washoe (FEMA Docket No.: B–7761).	Unincorporated areas of Washoe County (07–09–1314P).	November 14, 2007; November 21, 2007; *Reno Gazette-Journal*.	The Honorable Robert Larkin, Chair, Washoe County Board of Commissioners, P.O. Box 11130, Reno, NV 89520.	November 30, 2007	320019
South Carolina:					
Greenville (FEMA Docket No.: B–7766).	Unincorporated areas of Greenville County (07–04–4899P).	December 13, 2007; December 20, 2007; *The Greenville News*.	The Honorable Butch Kirven, Chairman, Greenville County Council, 213 League Road, Simpsonville, SC 29681.	March 20, 2008	450089
Greenville (FEMA Docket No.: B–7766).	Unincorporated areas of Greenville County (07–04–5198P).	December 13, 2007; December 20, 2007; *The Greenville News*.	Mr. Joseph Kernell, County Administrator, Greenville County, 301 University Ridge, Suite 2400, Greenville, SC 29601.	March 20, 2008	450089
Greenville (FEMA Docket No.: B–7766).	Unincorporated areas of Greenville County (07–04–5413P).	December 13, 2007; December 20, 2007; *The Greenville News*.	The Honorable Butch Kirven, Chairman, Greenville County Council, 213 League Road, Simpsonville, SC 29681.	March 20, 2008	450089
South Dakota: Pennington (FEMA Docket No.: B–7766).	City of Hill City (07–08–0906P).	December 12, 2007, December 19, 2007; *Hill City Prevailer-News*.	The Honorable Don Voorhees, Mayor, City of Hill City, City Hall, 324 Main Street, Hill City, SD 57745.	November 30, 2007	460116
Texas:					
Collin (FEMA Docket No.: B–7766).	City of McKinney (08–06–0334P).	December 6, 2007; December 13, 2007; *McKinney Courier-Gazette*.	The Honorable Bill Whitfield, Mayor, City of McKinney, 222 North Tennessee Street, McKinney, TX 75069.	November 21, 2007	480135
Collin and Dallas (FEMA Docket No.: B–7766).	City of Sachse (07–06–2553P).	December 14, 2007; December 21, 2007; *The Rowlett Lakeshore Times*.	The Honorable Mike Felix, Mayor, City of Sachse, 5109 Peachtree Lane, Sachse, TX 75048.	March 21, 2008	480186

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Dallas (FEMA Docket No.: B–7766).	Town of Highland Park (07–06–1969P).	December 13, 2007; December 20, 2007; *The Park Cities News*.	The Honorable William D. White, Jr., Mayor, Town of Highland Park, 4700 Drexel Drive, Highland Park, TX 75205.	March 20, 2008	480178
El Paso (FEMA Docket No.: B–7766).	City of El Paso (07–06–2364P).	December 13, 2007; December 20, 2007; *El Paso Times*.	The Honorable John Cook, Mayor, City of El Paso, Two Civic Center Plaza, Tenth Floor, El Paso, TX 79901.	November 30, 2007	480214
Johnson (FEMA Docket No.: B–7766).	City of Burleson (07–06–2685P).	December 12, 2007; December 19, 2007; *Burleson Star*.	The Honorable Kenneth Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	March 19, 2008	485459
Tarrant (FEMA Docket No.: B–7766).	City of North Richland Hills (07–06–2421P).	December 13, 2007; December 20, 2007; *Fort Worth Star-Telegram*.	The Honorable T. Oscar Trevino, Jr., P.E., Mayor, City of North Richland Hills, 7301 Northeast Loop 820, North Richland Hills, TX 76180.	March 20, 2008	480607
Virginia:					
Fauquier (FEMA Docket No.: B–7766).	Unincorporated areas of Fauquier County (07–03–1209P).	December 5, 2007; December 12, 2007; *Fauquier Times Democrat*.	The Honorable Harry Atherton, Chairman, Fauquier County Board of Supervisors, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	March 12, 2008	510055
Fauquier (FEMA Docket No.: B–7766).	Unincorporated areas of Fauquier County (07–03–1250P).	October 31, 2007; November 7, 2007; *Fauquier Times Democrat*.	The Honorable Harry Atherton, Chairman, Fauquier County Board of Supervisors, 10 Hotel Street, Suite 208 Warrenton, VA 20186.	February 7, 2008	510055

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

Dated: May 28, 2008.

David I. Maurstad,

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

[FR Doc. E8–13210 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

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

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Cherokee County, North Carolina and Incorporated Areas Docket No.: FEMA–D–7824			
Bates Creek	At the confluence with Hanging Dog Creek	+1,529	Unincorporated Areas of Cherokee County, Eastern Band of Cherokee Indians.
	Approximately 0.8 mile upstream of the confluence with Hanging Dog Creek.	+1,633	
Bearpaw Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 80 feet downstream of Lower Bear Paw Road (State Road 1312).	+1,534	
Beaverdam Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 70 feet downstream of the confluence of Cook Creek.	+1,734	
Beech Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 2.4 miles upstream of the confluence with Hiwassee River.	+1,548	
Brasstown Creek	At the confluence with Hiwassee River	+1,587	Unincorporated Areas of Cherokee County.
	Approximately 0.4 mile upstream of Brasstown Road	+1,605	
Brown Creek	At the confluence with Valley River	+1,692	Unincorporated Areas of Cherokee County.
	Approximately 0.6 mile upstream of the confluence with Valley River.	+1,709	
Cane Creek	At the confluence with Nottely River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 0.9 mile upstream of U.S. Highway 64	+1,536	
Chambers Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 1.7 miles upstream of the confluence with Hiwassee River.	+1,534	
Davis Creek	At the confluence with Hanging Dog Creek	+1,767	Unincorporated Areas of Cherokee County.
	Approximately 20 feet downstream of the confluence with Dockey Creek and Bald Creek.	+2,054	
Grape Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 0.9 mile upstream of Joe Brown Highway (State Road 1326).	+1,530	
Hanging Dog Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County, Eastern Band of Cherokee Indians.
	Approximately 1,300 feet upstream of Running Deer Lane	+1,914	
Hiwassee River	Approximately 1.5 miles downstream of Apalachia Lake Dam.	+1,162	Unincorporated Areas of Cherokee County, Town of Murphy.
	Approximately 875 feet downstream of Mission Dam	+1,620	
Junaluska Creek	At the confluence with Valley River	+1,783	Unincorporated Areas of Cherokee County, Town of Andrews.
	At the confluence of Bear Branch	+2,169	
Little Brasstown Creek	At the confluence with Brasstown Creek	+1,605	Unincorporated Areas of Cherokee County.
	Approximately 1.8 miles upstream of Folk School Road (State Road 1565).	+1,627	
Martin Creek	At the confluence with Hiwassee River	+1,534	Unincorporated Areas of Cherokee County.
	Approximately 1,740 feet upstream of Brasstown Road (State Road 1564).	+1,655	
McClellan Creek	At the confluence with Tatham Creek	+1,852	Unincorporated Areas of Cherokee County.
	Approximately 1,200 feet upstream of Pisgah Road (State Road 1507).	+1,903	
Morgan Creek	At the confluence with Valley River	+1,594	Unincorporated Areas of Cherokee County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 0.5 mile upstream of the confluence with Valley River.	+1,601	
Nottely River	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 2.2 miles downstream of U.S. Highway 64	+1,534	
Owl Creek	At the confluence with Hanging Dog Creek	+1,677	Unincorporated Areas of Cherokee County.
	Approximately 0.5 mile upstream of Owl Creek Road (State Road 1340).	+1,904	
Peachtree Creek	At the confluence with Hiwassee River	+1,564	Unincorporated Areas of Cherokee County.
	Approximately 0.5 mile upstream of Upper Peachtree Road (State Road 1535).	+1,798	
Persimmon Creek	At the confluence with Hiwassee River	+1,529	Unincorporated Areas of Cherokee County.
	Approximately 440 feet upstream of U.S. Highway 64	+1,821	
Phillips Creek	At the confluence with Tatham Creek	+1,852	Unincorporated Areas of Cherokee County.
	Approximately 1,610 feet upstream of Sunflower Lane	+2,360	
Rapier Mill Creek	Approximately 0.6 mile upstream of the confluence with Nottely River.	+1,571	Unincorporated Areas of Cherokee County.
	At the confluence of South Fork Rapier Mill Creek	+1,596	
Ricket Branch	At the confluence with Valley River	+1,679	Unincorporated Areas of Cherokee County.
	Approximately 200 feet downstream of Airport Road (State Road 1428).	+1,706	
Rogers Creek	At the confluence with Valley River	+1,572	Unincorporated Areas of Cherokee County.
	Approximately 0.7 mile upstream of the confluence with Valley River.	+1,594	
Slow Creek	Approximately 75 feet downstream of the downstream most crossing of Canyon Road (State Road 1527).	+1,678	Unincorporated Areas of Cherokee County.
	Approximately 660 feet upstream of the upstream most crossing of Canyon Road (State Road 1527).	+1,727	
South Fork Rapier Mill Creek	At the confluence with Rapier Mill Creek	+1,596	Unincorporated Areas of Cherokee County.
	Approximately 1.9 miles upstream of State Route 60	+1,674	
South Shoal Creek	At the confluence with Hiwassee River	+1,282	Unincorporated Areas of Cherokee County.
	Approximately 2.7 miles upstream of Shoal Creek Road (State Road 1145).	+1,972	
Tatham Creek	At the confluence with Valley River	+1,772	Unincorporated Areas of Cherokee County, Town of Andrews.
	At the confluence of McClellan Creek and Phillips Creek	+1,852	
Valley River	At the confluence with Hiwassee River	+1,530	Unincorporated Areas of Cherokee County, Town of Andrews, Town of Murphy.
	Approximately 1.0 mile upstream of Cherokee Avenue	+3,678	
Whitiaker Branch	At the confluence with Valley River	+1,696	Unincorporated Areas of Cherokee County.
	Approximately 0.8 mile upstream of the confluence with Valley River.	+1,715	
Worm Creek	At the confluence with Valley River	+1,825	Unincorporated Areas of Cherokee County.
	Approximately 0.9 mile upstream of Robinson Road (State Road 1502).	+2,240	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Eastern Band of Cherokee Indians
Maps are available for inspection at Ginger Lynn Welch Complex, 810 Aquoni Road, Cherokee, North Carolina.

Town of Andrews
Maps are available for inspection at Andrews Town Hall, 1101 Main Street, Andrews, North Carolina.

Town of Murphy
Maps are available for inspection at Murphy Town Hall, 5 Wofford Street, Murphy, North Carolina.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Unincorporated Areas of Cherokee County			
Maps are available for inspection at Cherokee County Mapping Department/GIS, County Courthouse, 39 Peachtree Street, Suite 104, Murphy, North Carolina.			
Clay County, North Carolina and Incorporated Areas Docket No.: FEMA–D–7822			
Blair Creek	At the confluence with Hiwassee River	+1,800	Clay County (Unincorporated Areas).
	Approximately 0.4 mile upstream of NC–69	+1,840	
Brasstown Creek	At the confluence with Hiwassee River	+1,587	Clay County (Unincorporated Areas).
	Approximately 400 feet upstream of West Road (State Road 1111).	+1,713	
Chatuga Lake	Entire shoreline within Clay County	+1,929	Clay County (Unincorporated Areas).
Coleman Creek	At the confluence with Hyatt Mill Creek	+1,934	Clay County (Unincorporated Areas).
	Approximately 800 feet upstream of the confluence with Hyatt Mill Creek.	+1,934	
Crawford Creek	At the confluence with Brasstown Creek	+1,698	Clay County (Unincorporated Areas).
	Approximately 1,430 feet upstream of Pine Ridge Drive	+1,837	
Downing Creek	At the confluence with Hiwassee River	+1,796	Clay County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Lawrence Smith Road (State Road 1324).	+1,959	
Eagle Fork Creek	At the confluence with Shooting Creek	+2,045	Clay County (Unincorporated Areas).
	Approximately 200 feet upstream of Sally Gap Road	+2,211	
Fires Creek	At the confluence with Hiwassee River	+1,724	Clay County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Fires Creek Road (State Road 1300).	+1,834	
Giesky Creek	At the confluence with Shooting Creek	+1,981	Clay County (Unincorporated Areas).
	Approximately 1,530 feet upstream of Sally Gap Road	+2,172	
Gumlog Creek	At the confluence with Brasstown Creek	+1,669	Clay County (Unincorporated Areas).
	Approximately 300 feet upstream of Pine Log Road (State Road 1104).	+1,703	
Hiwassee River	Approximately 500 feet downstream of Old Highway 64W (State Road 1100).	+1,590	Clay County (Unincorporated Areas), Town of Hayesville.
	Approximately 1,380 feet upstream of the confluence of Hiwassee River Tributary 1.	+1,885	
Hiwassee River Tributary 1	At the confluence with Hiwassee River	+1,811	Clay County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Chatuge Dam Road (State Road 1146).	+1,811	
Hothouse Branch	At the confluence with Shooting Creek	+1,943	Clay County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Fred and Carl Lane	+2,015	
Hyatt Mill Creek	At the confluence with Hiwassee River	+1,802	Clay County (Unincorporated Areas).
	At the confluence of Coleman Creek	+1,934	
Licklog Creek	Approximately 200 feet downstream of U.S. Highway 64	+1,929	Clay County (Unincorporated Areas).
	Approximately 450 feet upstream of Peckerwood Road (State Road 1328).	+2,005	
Muskrat Branch	At the confluence with Shooting Creek and Thompson Creek.	+2,183	Clay County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Shooting Creek and Thompson Creek.	+2,429	
Nantahala River	At the Clay/Macon County boundary	+3,013	Clay County (Unincorporated Areas).
	Approximately 450 feet downstream of Thunderstruck Lane.	+3,089	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Pinelong Creek	At the confluence with Brasstown Creek	+1,641	Clay County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Royal Oaks Trail	+1,914	
Qually Creek	At the confluence with Hiwassee River	+1,788	Clay County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Ali Drive	+1,837	
Shooting Creek	Approximately 800 feet upstream of Old Highway 64E	+1,929	Clay County (Unincorporated Areas).
	Approximately 90 feet upstream of Old Highway 64E	+2,183	
Sweetwater Creek	At the confluence with Hiwassee River	+1,686	Clay County (Unincorporated Areas).
	Approximately 1.2 miles upstream of U.S. Highway 64	+1,844	
Thompson Creek	At the confluence with Shooting Creek	+2,183	Clay County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Muskrat Creek Road (State Road 1173).	+2,283	
Town Creek	At the confluence with Hiwassee River	+1,793	Clay County (Unincorporated Areas), Town of Hayesville.
	Approximately 0.5 mile upstream of Anderson Street	+1,831	
Tusquitee Creek	At the confluence with Hiwassee River	+1,783	Clay County (Unincorporated Areas).
	Approximately 2.0 miles upstream of Chairmaker Drive	+2,214	
Winchester Creek	At the confluence with Brasstown Creek	+1,671	Clay County (Unincorporated Areas).
	Approximately 1,090 feet upstream of West Gum Log Road (State Road 1107).	+1,716	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Clay County
Maps are available for inspection at Clay County Building, 33 Main Street, Hayesville, North Carolina.

Town of Hayesville
Maps are available for inspection at Hayesville Town Hall, 235 Sanderson Street, Hayesville, North Carolina.

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

Dated: June 2, 2008.

Michael K. Buckley,

Deputy Assistant Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E8–13191 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

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

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Elmore County, Alabama, and Incorporated Areas Docket No.: FEMA–D–7826			
Alabama River	At U.S. Highway 82	+161	City of Prattville.
	Where Interstate 65 crosses Still Creek	+163	
Coosa River	810 feet upstream of confluence with Taylor Creek	+180	City of Wetumpka.
	800 feet upstream of confluence with Taylor Creek	+180	
Coosada Creek	4,270 feet downstream of Springdale Road	+202	City of Millbrook.
	On Springdale Road	+216	
Coosada Creek	685 feet upstream of Airport Road	+201	Town of Coosada.
	695 feet upstream of Airport Road	+201	
Cottonford Creek	4,590 feet downstream of Deatsville Highway	+261	City of Millbrook.
	2,760 feet downstream of Deatsville Highway	+269	
Cottonford Creek	290 feet upstream of confluence with Mortar Creek	+169	Town of Coosada.
	300 feet upstream of confluence with Mortar Creek	+169	
Crescant Lake	2,600 feet upstream of Interstate 65 on Still Creek	+164	City of Millbrook.
	2,610 feet upstream of Interstate 65 on Still Creek	+164	
Grandview Branch	2,780 feet downstream of State Highway 14	+271	City of Millbrook.
	260 feet downstream of State Highway 14	+304	
Gravel Pit Creek	Under U.S. 231	+170	Unincorporated Areas of Elmore County.
	5,890 feet upstream of U.S. 231	+319	
Jackson Branch	390 feet west of Sandtown Road and Phillips Drive	+165	City of Millbrook.
	410 feet downstream of Louisville and Nashville RR on Alabama River.	+165	
Jackson Branch	1,270 feet downstream of confluence with Zion Branch	+165	Town of Coosada.
	1,280 feet downstream of confluence with Zion Branch	+165	
Lewis Creek	740 feet downstream of Friendship Road	+234	City of Tallassee.
	1,370 feet upstream of Friendship Road	+316	
Mill Creek	110 feet downstream of Old Mill Run	+213	City of Millbrook.
	120 feet downstream of Old Mill Run	+213	
Mill Creek Tributary	350 feet upstream of confluence with Mill Creek	+206	City of Millbrook.
	1,480 feet upstream of confluence with Mill Creek	+208	
Mortar Creek	710 feet downstream of confluence with Cottonford Creek	+168	Town of Coosada.
	At confluence with Cottonford Creek	+169	
Still Creek	210 feet downstream of Edgewood Road	+174	City of Millbrook.
	470 feet upstream of Edgewood Road	+185	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

City of Millbrook

Maps are available for inspection at 3390 Main Street, Millbrook, AL 36054.

City of Prattville

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected

Maps are available for inspection at 101 West Main Street, Prattville, AL 36067.

City of Tallassee

Maps are available for inspection at 3 Freeman Avenue, Tallassee, AL 36078.

City of Wetumpka

Maps are available for inspection at 212 S. Main Street, Wetumpka, AL 36067.

Town of Coosada

Maps are available for inspection at 5800 Coosada Road, Coosada, AL 36020.

Unincorporated Areas of Elmore County

Maps are available for inspection at 100 Commerce Street, Room 207, Wetumpka, AL 36092.

Waukesha County, Wisconsin, and Incorporated Areas
Docket No.: FEMA–B–7715

Ashippun River	At Pennsylvania Avenue	*854	Waukesha County (Unincorporated Areas).
	Ashippun Lake	*871	
	At Norwegian Road	*915	
Bark River	Drumlin Trail	*848	Waukesha County (Unincorporated Areas), City of Delafield, Village of Dousman, Village of Hartland, Village of Merton.
	At North Road	*973	
Butler Ditch	Hampton Road	*750	City of Brookfield.
	Lilly Road	*757	
Deer Creek	Pinehurst Drive	*837	City of New Berlin, City of Brookfield.
	Harcove Drive	*870	
Dousman Ditch	Gebhardt Road	*825	City of Brookfield.
	Lake Road	*831	
Fox River	River Road	*827	Village of Menomonee Falls, City of Brookfield.
	Lannon Road	*886	
Lake Nagawicka	Lake Nagawicka	*893	City of Delafield.
Mukwonago River	South Rochester Street	*786	Waukesha County (Unincorporated Areas), Village of Mukwonago.
	Eagle Springs Lake	*822	
Pewaukee Lake	Pewaukee Lake	*854	Village of Pewaukee.
Quietwood Creek	Woods Road	*781	City of Muskego.
	Janesville Road	*800	
Rosenow Creek	Lake Street	*861	Waukesha County (Unincorporated Areas), City of Oconomowoc.
	Brown Street	*873	
South Branch	Bugline Trail	*941	Waukesha County (Unincorporated Areas).
Sussex Creek	Mary Hill Road	*955	Village of Sussex.
South Branch Underwood Creek.	At Interstate I–94	*723	City of Brookfield.
Sussex Creek	Duplainville Road	*835	Village of Sussex.
	Main Street	*924	City of Pewaukee, Waukesha County (Unincorporated Areas).
Sussex Creek Tributary 1	Weyer Road	*845	Waukesha County (Unincorporated Areas).
	Lisbon Road	*859	
Underwood Creek	UPS Service Road	*724	City of Brookfield, Village of Elm Grove.
	Pilgrim Road	*819	
Upper Namahbin Lake	Upper Namahbin Lake	*874	Waukesha County (Unincorporated Areas).
Upper/Lower Phantom Lake	Upper/Lower Phantom Lake	*794	Waukesha County (Unincorporated Areas).

* National Geodetic Vertical Datum.
+ North American Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected

Depth in feet above ground.

ADDRESSES

City of Brookfield
Maps are available for inspection at 2000 N. Calhoun Road, Brookfield, WI 53005.
City of Delafield
Maps are available for inspection at 500 Genesee Street, Delafield, WI 53018.
City of Muskego
Maps are available for inspection at W182 S8200 Racine Avenue, Muskego, WI 53150–0749.
City of New Berlin
Maps are available for inspection at 3805 South Casper Drive, New Berlin, WI 53151.
City of Oconomowoc
Maps are available for inspection at 174 E. Wisconsin Avenue, Oconomowoc, WI 53066.
City of Pewaukee
Maps are available for inspection at W240 N3065 Pewaukee Road, Pewaukee, WI 53072.

Waukesha County (Unincorporated Areas)

Maps are available for inspection at 515 W. Moorland Blvd., Waukesha, WI 53188.
Village of Dousman
Maps are available for inspection at 118 S. Main Street, Dousman, WI 53118.
Village of Elm Grove
Maps are available for inspection at 13600 Juneau Blvd., Elm Grove, WI 53122.
Village of Hartland
Maps are available for inspection at 210 Cottonwood Avenue, Hartland, WI 53029.
Village of Menomonee Falls
Maps are available for inspection at W156 N8480 Pilgrim Road, Menomonee Falls, WI 53051–3140.
Village of Merton
Maps are available for inspection at 28343 Sussex Road, Merton, WI 53056.
Village of Mukwonago
Maps are available for inspection at 440 River Crest Court, Mukwonago, WI 53149.
Village of Pewaukee
Maps are available for inspection at 235 Hickory Street, Pewaukee, WI 53072.
Village of Sussex
Maps are available for inspection at N64 W23760 Main Street, Sussex, WI 53089.

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

Dated: May 28, 2008.

David I. Maurstad,

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

[FR Doc. E8–13199 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 07–250; FCC 08–68]

Hearing Aid-Compatible Mobile Handsets, Petition of American National Standards Institute Accredited Standards Committee C63 (EMC) ANSI ASC C63™

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: The Federal Communications Commission (Commission) invites additional submissions regarding the treatment under its hearing aid compatibility rules of multi-mode and multi-band handsets and regarding the application of the *de minimis* exception to those rules.

DATES: The Commission requests comments on or before August 28, 2008.

ADDRESSES: You may submit *ex parte* submissions, identified by WT Docket No. 07–250, 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.
- *E-mail: 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.
- *Mail:* Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.
- *Hand Delivery/Courier:* 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

• *Accessible Formats:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) for filing comments either by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All submissions received will be posted without change to *http://www.fcc.gov/cgb/ecfs* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Portals I, Room 6119, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of open issues in the Commission's *First Report & Order* (*R&O*) in WT Docket No. 07–250 released February 28, 2008. The complete text of the Commission's R&O is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Monday through Thursday or from 8 a.m. to 11:30 a.m. on Friday at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. [The R&O may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: *http://www.BCPIWEB.com.* When ordering documents from BCPI please provide the appropriate FCC document number, FCC 08–68. The R&O is also available on the Internet at the Commission's Web site through its Electronic Document Management System (EDOCS): *http://hraunfoss.fcc.gov/edocs_public/SilverStream/Pages/edocs.html.*]

This is a summary of the two new issues raised in the R&O that the public can comment on through the *ex parte* process in WT Docket No. 07–250:

Multi-mode and multi-band handsets. In the R&O, the Commission clarifies that, to be counted as hearing aid-compatible, a handset model must meet compatibility standards for each air interface and frequency band it uses so long as standards exist for each of those bands and air interfaces. Except for an interim ruling with respect to handsets that incorporate Wi-Fi capabilities, the Commission does not resolve whether, or to what extent, multi-band and multi-mode handsets should be counted as hearing aid-compatible if they operate in part over frequency bands or air interfaces for which technical standards have not yet been established. The record contains arguments both in favor of and against treating such handsets as hearing aid-compatible. Moreover, according to industry representatives, no such handsets currently exist, with the exception of devices incorporating Wi-Fi capability. The Commission accepts the proposal endorsed by both industry and consumer representatives to leave the record open so that they may develop a consensus plan on this issue in the near term. The Commission looks forward to receiving from the parties to the consensus discussions general principles within three months of the release of the R&O and a detailed proposal within six months, and the Commission also invites the views of other parties. The Commission anticipates acting on a final order shortly after receiving the detailed consensus proposal. The Commission's decision to take additional time to resolve this issue turns in part on the current unavailability of such handsets. The Commission therefore expects handset manufacturers to keep it informed regarding the status of developments of such handsets, and asks the parties to the consensus discussions to include that information as part of their filings in three and six months. If such handsets are made available in the interim, the Commission will act expeditiously to address the hearing aid compatibility status of those handsets.

When the Commission subsequently addresses the application of hearing aid compatibility requirements to Wi-Fi operations, it will consider an appropriate transition regime to bring any requirements into effect. In view of the fact that Wi-Fi-capable handsets are currently available, the Commission invites comments on whether a period of time should be given before any requirements to meet hearing aid compatibility standards for handsets that incorporate Wi-Fi capability become effective, and if so what that time period should be. It has been argued by some commenters that due to the lower power of the Wi-Fi operations, these operations are unlikely to cause interference to hearing aids. However, there has been no specific showing towards this. The Commission invites comments in this area in order to help it consider the application of hearing aid compatibility requirements to Wi-Fi operations and consider a transition regime to bring such requirements into effect.

De minimis rule. Section 20.19 provides a *de minimis* exception to hearing aid compatibility obligations for those manufacturers and mobile service providers that only offer a small number of handset models. In the R&O, the Commission retains the existing *de minimis* rule and clarifies that it applies on a per-air interface basis rather than across a manufacturer's or service provider's entire product line.

Two commenters proposed that the exception be modified so that it does not apply on a permanent basis to large businesses that produce only one or two handsets with mass appeal, such as Apple's iPhone. The Commission does not adopt this limitation at this time, but leaves the record open for further comments. The Commission recognizes the concern of Hearing Loss Association of America and Telecommunications for the Deaf and Hard of Hearing, Inc. (HLAA/TDI) and Gallaudet University Technology Access program and Rehabilitation Engineering Research Center on Telecommunications Access (Gallaudet/RERC) that if a manufacturer produces only one or two models of a popular handset that is not hearing aid-compatible, consumers with hearing loss may be denied access to attractive features of that handset indefinitely. At the same time, as the Commission has stated previously, the exception was not adopted solely for the benefit of small businesses, but for businesses of any size that sell only a small number of digital wireless handsets in the United States. The primary concern of the Commission is that the rule not be limited in a manner that would compromise its effectiveness in promoting innovation and competition. The Commission also takes note of the fact that large manufacturers with highly successful initial devices may not continue indefinitely to produce only two or fewer handset models, but instead may expand their product offerings in response to consumer demand for new and different features, thereby bringing themselves under the hearing aid compatibility rules and benefiting consumers both with and without hearing loss. It is also unclear exactly how the changes proposed by Gallaudet/RERC and HLAA/TDI would operate in practice. The Commission invites comments on how ''large business,'' ''handsome profits,'' or ''mass appeal'' would be defined. To the extent the rule's application would depend on the volume and profitability of sales during the first year, the Commission asks whether manufacturers have sufficient ability to anticipate the obligations to which they

would be subject and plan accordingly. The commenting parties to these questions are requested to address the details and effects of any limitation on the *de minimis* exception that they may propose, and the need for the limitation to protect consumers' access to phones with advanced or desirable technologies and features.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–13219 Filed 6–11–08; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 201, 204, 205, 211, 212, 213, 217, 241, 243, 291, 298, 325, 330, 331, and 382

49 CFR Parts 1, 7, 10, 24, 26, 31, 37, and 40

[Docket DOT–OST–2008–0173]

RIN 2105–AD74

OST Technical Corrections

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: DOT is amending a number of its regulations to reflect reorganization of some elements of DOT and the move of DOT's Headquarters site in Washington, DC. This action is taken on DOT's initiative.

DATES: Effective Date June 12, 2008.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–60, Room W96–314, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone 202.366.9156; telecopier 202.366.9170; e-mail: *bob.ross@dot.gov*, or Joanne Petrie, Office of the General Counsel, C–50, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone 202.366.9315; telecopier 202.366.9313; e-mail: *joanne.petrie@dot.gov.*

SUPPLEMENTARY INFORMATION: Since its organizational, Freedom of Information Act (FOIA), and Privacy Act regulations were last revised, DOT has undergone a number of changes that make some parts of those regulations incorrect:

1. Establishment of the Department of Homeland Security (DHS) moved the United States Coast Guard and the Transportation Security Administration from DOT to DHS.

2. Pursuant to the Federal Motor Carrier Safety Act and the Norman Mineta Research and Innovative Technology Act, certain elements of DOT were reorganized.

3. DOT moved its Headquarters in Washington, DC to a new site.

4. A minor reorganization in the Office of the DOT General Counsel transferred oversight responsibility for FOIA to a new division.

5. The Chief Information Officer has replaced the Assistant Secretary for Administration as the DOT Chief Privacy Officer.

This publication makes corrections to the OST regulations to reflect these organizational and functional changes. In addition, it corrects the DOT headquarters address throughout OST's regulations.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the amendment merely makes technical corrections and updates, I find good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

The final rule is not considered a significant regulatory action under Executive Order 12866 and DOT Regulatory Policies and Procedures (44 FR 11034). It was not reviewed by the Office of Management and Budget. There are no costs associated with this rule.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation requirements of Executive Order 13132 do not apply.

C. 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 final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

D. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act, 5 U.S.C. 553, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. We also do not believe this rule would impose any costs on small entities because it simply delegates authority from one official to another and makes other nonsubstantive corrections. Therefore, I certify this final rule will not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

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

F. Unfunded Mandates Reform Act

The Department of Transportation has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects

14 CFR Part 201

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 204

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 205

Air carriers, Freight, Insurance, Reporting and recordkeeping requirements.

14 CFR Part 211

Administrative practice and procedure, Air carriers, Pacific Islands Trust Territory, Reporting and recordkeeping requirements.

14 CFR Part 212

Charter flights, Confidential business information, Reporting and recordkeeping requirements, Surety bonds.

14 CFR Part 213

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 217

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 241

Air carriers, Reporting and recordkeeping requirements, Uniform System of Accounts.

14 CFR Part 243

Air carriers, Aircraft, Charter flights, Reporting and recordkeeping requirements.

14 CFR Part 291

Administrative practice and procedure, Air carriers, Freight, Reporting and recordkeeping requirements.

14 CFR Part 298

Air taxis, Reporting and recordkeeping requirements.

14 CFR Part 325

Administrative practice and procedure, Air transportation, Intergovernmental relations, Reporting and recordkeeping requirements.

14 CFR Part 330

Administrative practice and procedure, Air carriers, Grant programs-transportation, Reporting and recordkeeping requirements.

14 CFR Part 331

Air Carriers. Reporting and recordkeeping requirements.

14 CFR Part 382

Air carriers, Civil rights, Individuals with disabilities, Reporting and recordkeeping requirements.

49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 7

Freedom of information, Reporting and recordkeeping requirements.

49 CFR Part 10

Penalties, Privacy.

49 CFR Part 24

Administrative practice and procedure, Grant programs, Loan programs, Manufactured homes, Real property acquisition, Relocation assistance, Reporting and recordkeeping requirements.

49 CFR Part 26

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

49 CFR Part 31

Administrative practice and procedure, Claims, Fraud, Penalties.

49 CFR Part 37

Buildings and facilities, Buses, Civil rights, Individuals with disabilities, Mass transportation, Railroads, Reporting and recordkeeping requirements, Transportation.

49 CFR Part 40

Administrative practice and procedure, Drug testing, Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

■ Accordingly, under the authority of 49 U.S.C. 322(a), the Department of Transportation amends 14 CFR chapter 2 and 49 CFR chapter 1 as follows:

TITLE 14—AERONAUTICS AND SPACE

§ 201.1, 204.7, 205.4, 211.10, 212.10, 213.7, 217.10, 217.10 App., 241.1, 241.2, 241.19, 243.13, 291.42, 291.45, 291.45 App, 298.4, 298.50, 298.60, 298.61, 298.61 App., 325.11, 330.23, 331.25, 382.65 and 382.70 [Amended]

■ 1. In Title 14, Chapter II, Parts 200–399, remove text specified in the ''Remove'' column and add in its place the text in the ''Add'' column in the sections indicated below:

Section	Remove	Add
201.1(b)	PL–401, 400 7th Street, SW	1200 New Jersey Avenue, SE.
204.7(b)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
205.4(c)	400 7th Street, SW	1200 New Jersey Avenue, SE.
211.10(b)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
212.10(a)	400 7th Street, SW	1200 New Jersey Avenue, SE.
213.7	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
217.10(b)	Room 4125.	
217.10(b)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
217.10 App (a)(3)	Room 4125.	
217.10 App (a)(3)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
Part 241, Sec.1–8	Room 4125.	
Part 241, Sec.1–8	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
Part 241, Sec. 2–1(c)	Room 4125.	
Part 241, Sec. 2–1(c)	400 7th Street, SW	1200 New Jersey Avenue, SE.
Part 241, Sec. 19–7(a)	Room 4125.	
Part 241, Sec. 19–7(a)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
Part 241, Appendix A to Sec. 19–7 introductory text.	Room 4125.	
Part 241, Appendix A to Sec. 19–7 introductory text.	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
Part 241, Sec. 25 Schedule T–100(f) Paragraph (b).	Room 4125.	
Part 241, Sec. 25 Schedule T–100(f) Paragraph (b).	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
Part 241, Sec. 25, App. (e)	Room 4125.	
Part 241, Sec. 25, App. (e)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
243.13(c)	PL–401, 400 Seventh Street, SW	1200 New Jersey Avenue, SE.
291.42(a)(2)	Room 4125.	
291.42(a)(2)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
291.45(e)(2)	Room 4125.	
291.45(e)(2)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
291.45, App. (c)	Room 4125.	
291.45, App. (c)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
298.4	400 7th Street, SW	1200 New Jersey Avenue, SE.
298.50(b)	400 7th Street, SW., PL–401	1200 New Jersey Avenue, SE.
298.60(c)	Room 4125.	
298.60(c)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.

Section	Remove	Add
298.61(e)(2)	Room 4125.	
298.61(e)(2)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
298.61 App. (e)	Room 4125.	
298.61 App. (e)	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
325.11 introductory text	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
330.23(a)	400 7th Street, SW., Room 6401	1200 New Jersey Avenue, SE.
331.25(a)	Room 6401, 400 7th Street, SW.	
382.65(c)	400 7th Street, SW	1200 New Jersey Avenue, SE.
382.70(h)	400 7th Street, SW., Room 4107	1200 New Jersey Avenue, SE.

TITLE 49—TRANSPORTATION

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES.

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

Authority: 49 U.S.C. 322; 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Public Law 101–552, 104 Stat. 2736; Public Law 106–159, 113 Stat. 1748; Public Law 107–71, 115 Stat. 597; Public Law 107–295, 116 Stat. 2064; Public Law 107–295, 116 Stat 2065; Public Law 107–296, 116 Stat. 2135; 41 U.S.C. 414; Public Law 108–426, 118 Stat. 2423; Public Law 109–59, 119 Stat. 1144; Public Law 110–140, 121 Stat. 1492.

■ 3. The heading of § 1.57b is revised to read as follows:

§ 1.57b Delegations to the Assistant General Counsel for Operations.

* * * * *

PART 7—PUBLIC AVAILABILITY OF INFORMATION

■ 4. The authority citation for part 7 continues to read as follows:

Authority: 5 U.S.C. 552; 31 U.S.C. 9701; 49 U.S.C. 322; E.O. 12600; 3 CFR, 1987 Comp., p. 235.

■ 5. In § 7.2, the definitions of 'Department' and 'Primary Electronic Access Facility' are revised to read as follows:

§ 7.2 Definitions.

* * * * *

Department means the Department of Transportation, including the Office of the Secretary, the Office of Inspector General, and the following DOT components, all of which may be referred to as DOT components. Means of contacting each of these DOT components appear in § 7.15. This definition specifically excludes the Surface Transportation Board, which has its own FOIA regulations (49 CFR Part 1001):

(1) Federal Aviation Administration,
(2) Federal Highway Administration,
(3) Federal Motor Carrier Safety Administration,
(4) Federal Railroad Administration,
(5) National Highway Traffic Safety Administration,
(6) Federal Transit Administration,
(7) Saint Lawrence Seaway Development Corporation,
(8) Maritime Administration,
(9) Pipeline and Hazardous Materials Safety Administration, and
(10) Research and Innovative Technology Administration.

Primary Electronic Access Facility means the electronic docket facility in the DOT Headquarters Building, 1200 New Jersey Avenue, SE., Washington, DC 20590.

* * * * *

■ 6. Section 7.10 is revised to read as follows:

§ 7.10 Public records.

Publicly available records are located in DOT's Primary Electronic Access Facility at 1200 New Jersey Avenue, SE., Washington, DC 20590.

(a) The Primary Electronic Access Facility maintains materials for the Office of the Secretary, including former Civil Aeronautics Board material, and materials for the DOT components. This facility is located at Room W94–128, and the hours of operation are 10:00–17:00 eastern time.

(b) Certain DOT components also maintain public record units at regional offices. These facilities are open to the public Monday through Friday except Federal holidays, during regular working hours. The Saint Lawrence Seaway Development Corporation has facilities at 180 Andrews Street, Massena, New York 13662–0520.

(c) Operating Administrations may have separate facilities for manual records. Additional information on the location and hours of operations for inspection facilities can be obtained through DOT's Primary Electronic Access Facility, at (202) 366–9322.

■ 7. In § 7.15, paragraph (a) is revised to read as follows:

§ 7.15 Contacts for records requested under the FOIA.

* * * * *

(a) FOIA Offices at 1200 New Jersey Avenue, SE., Washington, DC 20590:

(1) Office of the Secretary of Transportation, Room W94–122.
(2) Office of Inspector General, Room W73–407.
(3) Federal Highway Administration, Room E64–302.
(4) Federal Motor Carrier Safety Administration, Room W66–458.
(5) Federal Railroad Administration, Room W33–437.
(6) Federal Transit Administration, Room E42–315.
(7) National Highway Traffic Safety Administration, Room W41–311.
(8) Pipeline and Hazardous Materials Safety Administration, Room E26–109.
(9) Research and Innovative Technology Administration, Room E35–330.
(10) Maritime Administration, Room W24–233.

* * * * *

■ 8. In § 7.41, paragraphs (b) and (c) are revised to read as follows:

§ 7.41 General.

* * * * *

(b) All terms defined by FOIA apply to this subpart, and the term ''hourly rate'' means the actual hourly base pay for a civilian employee.

(c) This subpart applies to all employees of DOT, including those of non-appropriated fund activities of the Maritime Administration.

* * * * *

■ 9. In § 7.44, paragraphs (g) and (h) are revised to read as follows:

§ 7.44 Services performed without charge or at a reduced charge.

* * * * *

(g) Documents will be furnished without charge or at a reduced charge if the official having initial denial authority determines that the request concerns records related to the death of an immediate family member who was, at the time of death, a DOT employee.

(h) Documents will be furnished without charge or at a reduced charge if the official having initial denial authority determines that the request is by the victim of a crime who seeks the record of the trial at which the requestor testified.

PART 10—MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

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

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

■ 11. In § 10.5, the definition of 'Department' is revised to read as follows:

§ 10.5 Definitions.

* * * * *

Department means the Department of Transportation, including the Office of the Secretary, the Office of Inspector General, and the following operating administrations: This definition specifically excludes the Surface Transportation Board, which has its own Privacy Act regulations (49 CFR Part 1007), except to the extent that any system of records notice provides otherwise.

(1) Federal Aviation Administration.
(2) Federal Highway Administration.
(3) Federal Motor Carrier Safety Administration.
(4) Federal Railroad Administration.
(5) Federal Transit Administration.
(6) National Highway Traffic Safety Administration.
(7) St. Lawrence Seaway Development Corporation.
(8) Pipeline and Hazardous Materials Safety Administration.
(9) Research and Innovative Technology Administration.
(10) Maritime Administration.

* * * * *

■ 12. The first sentence of § 10.11 is revised to read as follows:

§ 10.11 Administration of part.

Authority to administer this part in connection with the records of the Office of the Secretary is delegated to the Chief Information Officer.

* * * * *

■ 13. Section 10.13 is revised to read as follows:

§ 10.13 Privacy Officer.

(a) To assist with implementation, evaluation, and administration issues, the Chief Information Officer appoints a principal coordinating official with the title Privacy Officer, and one Privacy Act Coordinator from his/her staff.

(b) Inquiries concerning Privacy Act matters, or requests for assistance, may be addressed to the Privacy Act Officer (S–80), Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(c) Administrators may designate Privacy Officers or Coordinators to act as central coordinators within their administrations to assist them in administering the Act.

■ 14. In § 10.61, the introductory text of paragraph (a) is revised to read as follows:

§ 10.61 General exemptions.

(a) The Assistant Secretary for Administration, with regard to the Investigations Division; and the Federal Aviation Administrator, with regard to the FAA's Investigative Record System (DOT/FAA 815) may exempt from any part of the Act and this part except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) of the Act, and implementing §§ 10.35, 10.23(a) and (b), 10.21(d)(1) through (6), 10.81, 10.83, and 10.85 of this chapter, any systems of records, or portions thereof, which they maintain which consist wholly of;

* * * * *

■ 15. In § 10.63, the introductory text is revised to read as follows:

§ 10.63 Specific exemptions.

The Secretary or his or her delegee, in the case of the Office of the Secretary; or the Administrator or his or delegee, in the case of an operating administration; or the Inspector General or his or her delegee, in the case of the Office of Inspector General, may exempt any system of records that is maintained by the Office of the Secretary, an operating administration, or the Office of Inspector General, as the case may be, from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Act and implementing §§ 10.23(c); 10.35(b); 10.41; 10.43; 10.45; 10.21(a) and 10.21(d)(6), (7), and (8) of this chapter, under the following conditions:

§ 10.77 [Amended]

■ 16. In § 10.77, paragraph (c) is amended by removing 'Chief Information Officer' and adding in its place 'Assistant Secretary for Administration' wherever it appears.

■ 17. The Appendix to Part 10 is amended as follows:

■ a. Part I is amended by removing paragraphs C, D, and F, and redesignating paragraph E as C;

■ b. Paragraph A of Part II is amended by removing paragraphs 4 through 9, paragraph 11, and paragraphs 13 through 16, redesignating paragraph 3 as paragraph 4, redesignating paragraph 10 as paragraph 5, redesignating paragraph 15 as paragraph 6, and redesignating paragraphs 17 and 18 as paragraphs 7 and 8;

■ c. Paragraph D of Part II is amended by removing paragraphs 2 through 9 and paragraph 11, redesignating paragraph 10 as paragraph 2, and redesignating paragraph 12 as paragraph 3;

■ d. Paragraph E of Part II is amended by removing paragraphs 1 through 3, and redesignating paragraph 4 as paragraph 1; and

■ e. Paragraph F of Part II is amended by removing paragraph 4.

§§ 24.602, 26.89, 31.26, 37.21324, App. B, 40.7, 40.33, 40.121, 40.213, 40.281, and 40 App. D. [Amended]

■ 18. In the table below, remove the text indicated in the ''Remove'' column and add in its place the text indicated in the ''Add'' column:

Section	Remove	Add
24.602	400 Seventh Street, SW	1200 New Jersey Avenue, SE.
24, App. B	Room 3221, 400 7th Street SW	1200 New Jersey Avenue, SE.
26.89(a)(3)	400 7th Street, SW., Room 5414	1200 New Jersey Avenue, SE.
31.26(a)	Docket Clerk, Documentary Services Division (C–55), room 4107, Department of Transportation, 400 7th Street, SW.	Docket Operation Services, Department of Transportation, 1200 New Jersey Avenue, SE.
37.213(e)	400 7th Street, SW	1200 New Jersey Avenue, SE.
40.7(a)	400 7th Street, SW., Room 10424	1200 New Jersey Avenue, SE.
40.33(a)	400 7th Street, SW., Room 10403	1200 New Jersey Avenue, SE.
40.121(b)(3)	400 7th Street, SW., Room 10403	1200 New Jersey Avenue, SE.
40.213(b)(1)	400 7th Street, SW., Room 10403	1200 New Jersey Avenue, SE.
40.281(b)(3)	400 7th Street, SW., Room 10403	1200 New Jersey Avenue, SE.
40, App. D	400 7th Street, SW., Room 10403	1200 New Jersey Avenue, SE.

Issued in Washington, DC under authority delegated in 49 CFR 1.57(j) on May 21, 2008.

D.J. Gribbin,

General Counsel, Department of Transportation.

[FR Doc. E8–12108 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106671–8010–02]

RIN 0648–XI38

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors 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 for catcher processors subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2008 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the shallow-water species fisheries.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2008, through 1200 hrs, A.l.t., July 31, 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. processors in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2008 Pacific halibut PSC sideboard limit specified for the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 11 metric tons as established by § 679.82(d), the 2008 and 2009 harvest specifications for groundfish of the GOA (73 FR 10562, February 27, 2008), for the period 1200 hrs, A.l.t., July 1, 2008, through 1200 hrs, A.l.t., July 31, 2008.

In accordance with § 679.82(d)(9)(i)(B), the Administrator, Alaska Region, NMFS, has determined that the 2008 Pacific halibut PSC sideboard limit specified for the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the shallow-water species fisheries. Consequently, in accordance with § 679.82(d)(9)(ii)(A), NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. The species and species groups that comprise the shallow-water species fishery for the sideboard limit are shallow-water flatfish and flathead sole.

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 for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program 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 June 4, 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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 6, 2008.

Emily H. Menashes

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

[FR Doc. E8–13237 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106671–8010–02]

RIN 0648–XI36

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels 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 deep-water species fishery for catcher vessels subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2008 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2008, through 1200 hrs, A.l.t., July 31, 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 2008 Pacific halibut PSC sideboard limit specified for the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 22 metric tons as established by the 2008 and 2009 harvest specifications for groundfish of the GOA (73 FR 10562, February 27, 2008), for the period 1200 hrs, A.l.t., July 1, 2008, through 1200 hrs, A.l.t., July 31, 2008.

In accordance with § 679.82(d)(9)(i)(B), the Administrator, Alaska Region, NMFS, has determined that the 2008 Pacific halibut PSC sideboard limit specified for the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries. Consequently, in accordance with § 679.82(d)(9)(ii)(B), NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. The species and species groups that comprise the deep-water species fishery for the sideboard limit include deep-water flatfish, rex sole, and arrowtooth flounder.

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 deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program 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 June 4, 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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 6, 2008.

Emily H. Menashes

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

[FR Doc. E8–13235 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106671–8010–02]

RIN 0648–XI39

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives 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 deep-water species fishery by catcher processor rockfish cooperatives subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2008 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the deep-water species fishery by catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2008, through 1200 hrs, A.l.t., July 31, 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 2008 Pacific halibut PSC sideboard limit specified for the deep-water species fishery by catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 8 metric tons as established by § 679.82(d), the 2008 and 2009 harvest specifications for groundfish of the GOA (73 FR 10562, February 27, 2008), and as posted as the Catcher Processor Sideboards at *http://www.fakr.noaa.gov/sustainablefisheries/goarat/default.htm.*

In accordance with § 679.82(d)(9)(i)(B), the Administrator, Alaska Region, NMFS, has determined that the 2008 Pacific halibut PSC sideboard limit specified for the deep-water species fishery by catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries. Consequently, in accordance with § 679.82(d)(9)(ii)(B), NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. The species and species groups that comprise the deep-water species fishery for the sideboard limit include deep-water flatfish, rex sole, and arrowtooth flounder.

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 deep-water species fishery by catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program 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 June 4, 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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 6, 2008.

Emily H. Menashes,

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

[FR Doc. E8–13236 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106671–8010–02]

RIN 0648–XI37

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of 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 northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2008 total allowable catch (TAC) of northern rockfish, Pacific ocean perch, and pelagic shelf rockfish allocated to catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2008, through 2400 hrs, A.l.t., December 31, 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 2008 rockfish TACs allocated as directed fishing allowances to catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA are: 28 metric tons (mt) for Pacific ocean perch, 10 mt for northern rockfish, and 5 mt for pelagic shelf rockfish.

In accordance with § 679.82(b)(6), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the TACs of northern rockfish, Pacific ocean perch, and pelagic shelf rockfish allocated as a directed fishing allowance to catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA will not support directed fishing for the limited access rockfish fishery. Therefore, NMFS is prohibiting directed fishing for northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA.

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 northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of 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 June 4, 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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 6, 2008.

Emily H. Menashes,

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

[FR Doc. E8–13234 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 114
Thursday, June 12, 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

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 319

[Docket No. APHIS–2006–0189]

RIN 0579–AC67

Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening the comment period for our proposed rule that would amend our domestic quarantine regulations to provide for the interstate movement of Hass avocados from Mexican fruit fly and sapote fruit fly quarantined areas in the United States with a certificate if the fruit is safeguarded after harvest in accordance with specific measures. The proposed rule would also amend our foreign quarantine regulations to remove trapping and bait spray treatment requirements related to *Anastrepha* spp. fruit flies for imported Hass avocados from Michoacan, Mexico. This action will allow interested persons additional time to prepare and submit comments.

DATES: We will consider all comments that we receive on or before June 26, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0189* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2006–0189, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0189.

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

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

FOR FURTHER INFORMATION CONTACT: Regarding the interstate movement of Hass avocados from Mexican fruit fly and sapote fruit fly quarantined areas, contact Mr. Wayne D. Burnett, Domestic Coordinator, Fruit Fly Exclusion and Detection, PPQ, APHIS, 4700 River Road, Unit 137, Riverdale, MD 20737–1231; (301) 734–6553. Regarding import conditions for Hass avocados from Mexico, contact Mr. David B. Lamb, Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 734–8758.

SUPPLEMENTARY INFORMATION: On April 2, 2008, we published in the **Federal Register** (73 FR 17930–17935, Docket No. APHIS–2006–0189) a proposal [1] to relieve certain restrictions regarding the movement of Hass variety avocados. Specifically, we proposed to amend our domestic quarantine regulations to provide for the interstate movement of Hass avocados from Mexican fruit fly and sapote fruit fly quarantined areas in the United States with a certificate if the fruit is safeguarded after harvest in accordance with specific measures. We also proposed to amend our foreign quarantine regulations to remove trapping and bait spray treatment requirements related to *Anastrepha* spp. fruit flies for imported Hass avocados from Michoacan, Mexico.

Comments on the proposed rule were required to be received on or before June 2, 2008. We are reopening the comment period on Docket No. APHIS–2006–0189 for an additional 2 weeks. We will also consider all comments received between June 3, 2008, and the date of this notice. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 6th day of June 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–13226 Filed 6–11–08; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the proposed rule, supporting documents, and any comments we have received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0189*.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

[Docket ID: MMS–2007–OMM–0066]

RIN 1010–AD45

Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Requirements for Subsurface Safety Valve Equipment

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: The MMS proposes to incorporate the Eleventh Edition of the American Petroleum Institute's Specification for Subsurface Safety Valve Equipment (API Spec 14A), into the regulations. The rule also proposes that lessees and operators provide supporting design verification information for subsurface safety valves intended for use in high pressure high temperature environments. The MMS proposes to incorporate the Eleventh Edition of API Spec 14A because it updated the design validation and functional testing requirements, incorporated new design changes, and corrected ambiguous areas open to misinterpretation. These proposed changes would ensure that lessees and operators use the best available and safest technologies while operating in the Outer Continental Shelf.

DATES: Submit comments by August 11, 2008. The MMS may not fully consider comments received after this date.

ADDRESSES: You may submit comments on this rulemaking by any of the following methods. Please use the Regulation Identifier Number (RIN) 1010–AD45 as an identifier in your message. See also Public Availability of Comments under Procedural Matters.

- *Federal eRulemaking Portal: http://www.regulations.gov*. Under the tab ''More Search Options,'' click Advanced Docket Search, then select ''Minerals Management Service'' from the agency drop-down menu, then click ''submit.'' In the Docket ID column, select MMS–2007–OMM–0066 to submit public comments and to view supporting and related materials available for this rulemaking. 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. The MMS will post all comments.
- Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Regulations and Standards Branch (RSB); 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ''Incorporate API Spec 14A for Subsurface Safety Valve Equipment, 1010–AD45'' in your comments and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Wilbon Rhome, Regulations and Standards Branch at (703) 787–1587.

SUPPLEMENTARY INFORMATION: The MMS has conducted a thorough review of the Eleventh Edition of the American Petroleum Institute's Specification for Subsurface Safety Valve Equipment, 14A (API Spec 14A) and has determined that the new edition should be incorporated into the regulations to ensure the use of the best available and safest technologies for downhole safety valves. We also propose adding a new section (30 CFR 250.807) to the regulations that identify additional safety valve information requirements for high pressure high temperature (HPHT) environments.

The Eleventh Edition contains significant technological and design changes that will increase the safety of downhole operations in the Outer Continental Shelf (OCS). The updated API Spec 14A is an improvement over the current API Spec 14A, Tenth Edition incorporated in the regulations for the following reasons:

- Strengthens the guidelines for preparation of a functional specification by the user/purchaser to submit to the manufacturer/supplier when ordering equipment addressed by this standard. Functional characteristics in the specification must include, but are not limited to, well parameters, operational parameters, environmental compatibility, and compatibility with related well equipment.
- Adds new design verification and validation guidelines.
- Clarifies procedures in areas such as design methodology and verification.
- Introduces state-of-the-art technological advances to improve downhole performance.

When Hurricanes Katrina and Rita caused catastrophic damage to equipment in the Gulf of Mexico, most of the subsurface safety valves (SSSV) performed exactly according to design; however, there were recorded minor incidents. Incorporating the revised API Spec 14A should lead to improved performance of downhole safety valves.

While the API Spec 14A Eleventh Edition contains many improvements that we support, MMS does not fully agree with the revision that allows a reduced safety factor for the higher pressure valve body test. This reduced safety factor for the design of downhole safety valves installed in wells drilled in HPHT environments is a concern that MMS cannot overlook. Therefore, MMS proposes through this rulemaking that lessees and operators provide supporting design verification information for SSSVs planned for use in HPHT environments. This supporting information must show that the design of the SSSV to be installed in an HPHT environment provides the same level of safety and environmental protection that was previously provided by the design standards contained in API Spec 14A Tenth Edition.

Background Information on Design Qualification Testing

The design qualification testing requirements in the API Spec 14A, Tenth Edition requires that a SSSV be pressure tested to 150 percent of the rated working pressure of the valve (*e.g.*, a 10,000 psig SSSV would be tested to 15,000 psig of the rated working pressure regardless of the magnitude of the rated working pressure). The API Spec 14A, Eleventh Edition pressure testing methodology results in a decreasing test pressure factor from 150 percent at 10,000 psig, to 133 percent at 15,000 psig, to 125 percent at 20,000 psig rated working pressure. Wells and related equipment with a rated working pressure of 15,000 psig or greater are subjected to a hydrostatic test pressure of 5,000 psig greater than the rated working pressure. As a well becomes more critical, the margin of safety decreases as a result of the decreasing test pressure factor. Therefore, this proposed rule would address this safety issue by requiring the lessee or operator to provide additional information when SSSVs and related equipment are planned to be installed in a HPHT environment. These additional informational requirements are found in new 30 CFR 250.807 titled ''Additional requirements for subsurface safety valves installed in high pressure high temperature environments.'' Wells and related equipment with a rated working pressure less than or equal to 15,000 psig would not be affected by the new requirements in 30 CFR 250.807.

Proposed Requirements

The new 30 CFR 250.807 provisions would require the lessee or operator to provide additional information when SSSVs and related equipment are intended to be installed in a HPHT environment. The lessee or operator would be required to include such information in an Application for Permit to Drill (APD), Application for Permit to Modify (APM), or Deepwater Operations Plans (DWOP) and must demonstrate that the SSSV and related equipment are fit-for-purpose for performing in HPHT environments. For the purpose of this rulemaking, HPHT is considered a pressure rating greater than 15,000 psig, or a temperature rating equal to or greater than 350 degrees Fahrenheit under one of the following well conditions:

1. A maximum anticipated surface pressure greater than 15,000 psig on the seafloor for a well with a subsea wellhead or at the surface for a well with a surface wellhead.

2. A shut-in tubing pressure greater than 15,000 psig on the seafloor for a well with a subsea wellhead or at the surface for a well with a surface wellhead, or

3. A flowing temperature equal to or greater than 350 degrees Fahrenheit on the seafloor for a well with a subsea wellhead or the surface for a well with a surface wellhead.

Related equipment refers to wellheads, tubing heads, tubulars, packers, SSSVs, threaded connections, seals, seal assemblies, production trees, equipment associated with coiled tubing, snubbing, operations, chokes, well control equipment and any other equipment that will be exposed to the reservoir pressure and/or temperature with rated working pressures greater than 15,000 psig, or temperatures greater than 350 degrees Fahrenheit.

Procedural Matters

Regulatory Planning and Review (Executive Order (E.O.) 12866)

This proposed rule is not a significant rule as determined by the Office of Management and Budget (OMB) and is not subject to review under E.O. 12866.

(1) The proposed rule (incorporation of the new API Spec 14A and the new 30 CFR 250.807) would not have an annual effect of $100 million or more on the economy. It would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The primary purpose for this proposed rule is to establish minimum acceptable requirements for SSSVs. The requirements apply to SSSVs as well as all components that establish tolerance and/or clearances which may affect performance or interchangeability of SSSVs. This rule also would set minimum requirements for SSSVs and related equipment to conform to international standards and would require compliance by supplier/manufacturers. Finally, this rule would establish minimum fit-for-purpose criteria for HPHT equipment operating over 15,000 psig or 350 degrees Fahrenheit; and, would require lessees and operators to provide information that demonstrates to the MMS that their SSSVs are properly designed to operate in HPHT environments.

The oil and gas industry took the lead in revising API Spec 14A, Eleventh Edition. The industry and API have encouraged the promulgation of the proposed rule incorporating API Spec 14A. The API Spec 14A standard is now accepted as an industry standard both domestically and internationally; and, consequently, the impact of this proposed rule on the oil and gas industry is expected to be negligible.

The impact of the new requirements of 30 CFR 250.807 will also be negligible. A review of drilling activity indicates that, if the current trend continues, there may not be any HPHT wells that exceed 15,000 psig at the wellhead drilled and completed in the next 3 years. However, there is activity in the Mobile Bay region and in the western Gulf of Mexico where the working environment for SSSVs and related equipment may reach over 350 degrees Fahrenheit, flowing tubing temperature. The MMS estimates that approximately 10 to 20 APD's or APM's may be submitted by lessees or operators over the next 3 years which could be subject to the proposed rule. These submittals would be required to provide additional information on SSSVs and related equipment for wells to be drilled and completed that may be classified as HPHT completions.

The proposed provisions of 30 CFR 250.807 would require lessees and operators to provide supporting design verification information. The information that the proposed rule would require is engineering data and analytical analysis for HPHT equipment. This is the kind of information that a prudent operator should have available for operating in HPHT environments. The MMS estimates the cost to comply with this proposed rule would be $4,000 per well. Companies will be required to gather and present well data that should be readily available if requested by MMS for review. We estimate that the hourly burden to produce this data would be approximately 40 hours for each well at an hourly rate of $100 per hour and would cost $4,000 per well. (40 hours at $100 per hour × 1 well = $4,000).

The estimated cost to industry over the next 3 years, based on the high estimate of 20 APD's or APM's per year, would be approximately $80,000 ($4,000 per well × 20 wells = $80,000). As a result, additional costs associated with implementing these new requirements would be negligible given the overall costs of off-shore oil and gas production. Additional costs could be incurred if a lessee engages an independent consultant to prepare the fitness-for-purpose report for HPHT application with readily available information. However, these costs are very small when compared to the cost of drilling a well in an HPHT environment, which can cost over $150 million.

(2) The proposed rule (incorporation of the new API Spec 14A and the new 30 CFR 250.807) would not create a serious inconsistency or otherwise interfere with action taken or planned by another agency.

(3) This proposed rule (incorporation of the new API Spec 14A and the new 30 CFR 250.807) does not alter the budgetary effects of entitlements, grants, user fees or loan programs, or the rights or obligations of their recipients.

(4) This proposed rule (incorporation of the new API Spec 14A and the new 30 CFR 250.807) does not raise novel legal or policy issues. The proposed rule simply seeks to improve MMS safety regulations by maintaining them current with improved oil and gas industry standards and requires lessees and operators to meet additional criteria for safety reasons to demonstrate fitness-for-purpose for HPHT applications.

Regulatory Flexibility Act

The Department of the Interior (DOI) certifies that this proposed rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The new API Spec 14A would affect lessees and operators of oil and gas leases on the OCS. This may include approximately 130 active Federal oil and gas lessees. Lessees that conduct business under this rule are coded under the Small Business Administration's (SBA) North American Industry Classification System (NAICS) with the following: 1. No. 211111 (Crude Petroleum and Natural Gas Extraction); and, 2. No. 213111 (Drilling Oil and Gas Wells). For these NAICS code classifications, a small company is defined as one with fewer than 500 employees. Based on these criteria, an estimated 70 percent of these companies (91) are considered small. Therefore, this proposed rule would affect a substantial number of small entities.

However, with respect to the new 30 CFR 250.807, the MMS has determined that it is unlikely that a substantial number of small companies are currently involved with HPHT wells on the OCS due to the expense and the advanced technical expertise needed for drilling, completing, and producing HPHT wells. While it is possible that the operations of small companies may involve HPHT wells on the OCS, the MMS believes that any company, regardless of size, attempting to complete a HPHT well must do the engineering evaluations proposed in this rulemaking to insure the safe operation of such activities and to avoid a catastrophic failure that could result in loss of life or serious environmental damage.

The costs of the additional requirements for HPHT wells would not have a significant economic effect on a substantial number of small companies because very few, if any, would be involved in the activities that would require compliance with these additional requirements. As mentioned previously, the costs of complying with these proposed requirements are very small when compared to the cost of drilling a HPHT well, which can cost over $150 million. The proposed rule incorporating the new API Spec 14A would not have a significant economic effect on a substantial number of small companies because the revised API Spec 14A will not impose significant costs or burdens on any lessees or operators.

Your comments are important. The Small Business and Agriculture

Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the MMS, call toll-free 1–888–734–3247. You may submit comments to the Small Business Administration without concern for retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with the DOI.

Small Business Regulatory Enforcement Fairness Act

The proposed rule (incorporation of the new API Spec 14A and the new 30 CFR 250.807) is not a major rule under 5 U.S.C. 804(2) of the Small Business Regulatory Enforcement Act. This proposed rule:

a. Would not have an annual effect on the economy of $100 million or more. The proposed rule would not impose any significant costs to lessees or operators. The costs associated with the proposed rule would involve the cost of the new document (API Spec 14A), and any cost associated with gathering and presenting the well data to MMS. As mentioned previously, the costs of complying with these proposed requirements are very small when compared to the cost of drilling a HPHT well, which can cost over $150 million.

b. Would not impose significant increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This proposed rule would not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The proposed rule would not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this proposed rule does not have takings implications. The proposed rule is not a governmental action capable of interference with constitutionally protected property rights. A takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this proposed rule does not have federalism implications to warrant the preparation of a Federalism Assessment. This proposed rule would not affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this proposed rule would not affect that role. A Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

Under the criteria in E.O. 13175, we have evaluated this proposed rule and determined that it has no potential effects on federally recognized Indian tribes. There are no Indian or tribal lands on the OCS.

Paperwork Reduction Act (PRA)

The proposed revisions to 30 CFR 250, subpart H regulations (30 CFR 250.807) will specify that lessees and operators must submit a brief description in their APD, APM, or DWOP when SSSVs and related equipment are intended to perform in HPHT environments. The information that would be required by the proposed rule should be readily available since a prudent operator would already possess this information for daily operations. Lessees and operators must then provide this existing information as part of their APM, APD, or DWOP submissions. The MMS has determined that the number of hours for paperwork burdens currently approved for preparation of APD's (3,135 annual burden hours) and APM's (9,900 annual burden hours) pursuant to the requirements set forth in 30 CFR 250, subpart D (1010–0141) and for DWOP's (51,000 annual burden hours) in 30 CFR 250, subpart B (1010–0151), are more than enough to accommodate this minor addition to existing submissions. Therefore, due to the fact that the burden hours are effectively included under currently approved OMB information collections, the proposed rule does not require a submission to OMB for review and approval under section 3507(d) of the PRA.

The PRA 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 and assigns a control number, you are not required to respond. The OMB approved the referenced information collection requirements for 30 CFR 250, subparts B, D, and H under OMB Control Numbers 1010–0151 (321,817 hours; expiration 7/31/08), 1010–0141 (163,954 hours; expiration 8/31/08) and 1010–0059 (17,598 hours; expiration 2/28/09).

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. The MMS has analyzed this proposed rule under the criteria of the National Environmental Policy Act and 516 Departmental Manual 15. This proposed rule meets the criteria set forth in 516 Departmental Manual 2 (Appendix 1.10) for a Departmental ''Categorical Exclusion'' in that this proposed rule is ''* * * of an administrative, financial, legal, technical, or procedural nature and whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis * * *.'' This proposed rule also meets the criteria set forth in 516 Departmental Manual 15.4(C)(1) for a MMS ''Categorical Exclusion'' in that its impacts are limited to administration, economic or technological effects. Further, the MMS has analyzed this proposed rule to determine if it meets any of the extraordinary circumstances that would require an environmental assessment or an environmental impact statement as set forth in 516 Departmental Manual 2.3, and Appendix 2. The MMS concluded that this rule does not meet any of the criteria for extraordinary circumstances as set forth in 516 Departmental Manual 2 (Appendix 2).

Data Quality Act

In developing this proposed rule we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

Clarity of This Regulation

We are required by E.O. 12866, E.O. 12988, and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section above. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made available to the public. While you request in your comment that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental protection, Incorporation by reference, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: May 28, 2008.

C. Stephen Allred,

Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, the MMS proposes to amend 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 31 U.S.C. 9701, 43 U.S.C. 1334.

2. In § 250.198, the table in paragraph (e), revise the entry for API Spec 14A to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of documents	Incorporated by reference at
* * * * * * *	
API Spec 14A, Eleventh Edition October 2005, Specification for Subsurface Safety Valve Equipment, Effective Date: May 1, 2006; ISO 10432: 2004, API Stock No. GX14A11.	§ 250.806(a)(3)
* * * * * * *	

3. In § 250.806, remove the second sentence in paragraph (a)(3) and add two sentences in its place to read as follows:

§ 250.806 Safety and pollution prevention equipment quality assurance requirements.

(a) * * *

(3) * * * All SSSVs must meet the technical specifications of API Specification 14A (incorporated by reference as specified in § 250.198). However, SSSVs and related equipment planned to be used in high pressure high temperature environments must meet the additional requirements set forth in § 250.807.

* * * * *

4. Redesignate § 250.807 as § 250.808 and add new § 250.807 to read as follows:

§ 250.807 Additional requirements for subsurface safety valves installed in high pressure high temperature environments (HPHT).

(a) If you plan to install SSSVs and related equipment in a HPHT environment, you must submit detailed information with your Application for Permit to Drill (APD), Application for Permit to Modify (APM), or Deepwater Operations Plan (DWOP) that demonstrates the SSSVs and related equipment are capable of performing in the applicable HPHT environment. Your detailed information must include the following:

(1) A discussion of how you determined that the SSSVs and related equipment are fit-for-service;

(2) A discussion on the SSSVs design validation and functional testing process and procedures used, and explain why the process and procedures ensure that the SSSVs and related equipment are fit-for-service in the applicable HPHT environment.

(b) For this section, HPHT environment means when one or more of the following well conditions exist:

(1) The maximum anticipated surface pressure is greater than 15,000 psig on the seafloor for a well with a subsea wellhead or at the surface for a well with a surface wellhead;

(2) The shut-in tubing pressure is equal to or greater than 15,000 psig on the seafloor for a well with a subsea wellhead or at the surface for a well with a surface wellhead; or

(3) The flowing temperature is equal to or greater than 350 degrees Fahrenheit on the seafloor for a well with a subsea wellhead or the surface for a well with a surface wellhead.

(c) For this section, related equipment includes wellheads, tubing heads, tubulars, packers, threaded connections, seals, seal assemblies, production trees, chokes, well control equipment and any other equipment that will be exposed to the HPHT environment.

[FR Doc. E8–13223 Filed 6–11–08; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0470]

RIN 1625–AA11

Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary regulated

navigation area and safety zone on the Chicago Sanitary and Ship Canal near Romeoville, IL. This proposed regulated navigation area and safety zone places navigational and operational restrictions on all vessels transiting through the electrical dispersal barrier IIA.

DATES: Comments and related material must reach the Coast Guard on or before June 27, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0470 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulation.gov.*

(2) *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 20590–0001.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule call CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, telephone 216–902–6045. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. 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) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0470), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name, mailing address, and an e-mail address or other contact information in the body of your document to ensure that you can be identified as the submitter. This also allows us to contact you in the event further information is needed or if there are questions. For example, if we cannot read your submission due to technical difficulties and you cannot be contacted; your submission may not be considered. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* at any time. Enter the docket number for this rulemaking (USCG–2008–0470) in the Search box, and click ''Go>>.'' You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review 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.*

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The electrodes on the demonstration electrical dispersal barrier I located between mile markers 296.1 and 296.7 of the Chicago Sanitary and Ship Canal are beginning to fail. This barrier was constructed to prevent Asian Carp from entering Lake Michigan through the Illinois River system by generating a low-voltage electric field across the canal. The Army Corps of Engineers intends to shut down barrier I and begin the process of replacing the barrier electrodes which run across the bottom of the canal. Divers will be in the water and a barge-mounted crane will be operating during maintenance operations to barrier I. Electrical dispersal barrier IIA located on the Chicago Sanitary and Ship Canal 270 feet south of mile marker 296.1 to mile marker 296.7 will be in operation while repairs are being made to demonstration electrical dispersal barrier I. Barrier IIA will operate continuously for a two week period before taking barrier I off line for electrode replacement. Electrical dispersal barrier IIA generates a more powerful electric field than barrier I over a larger area within the Chicago Sanitary and Ship Canal.

The Coast Guard and U.S. Army Corps of Engineers conducted field tests to ensure the continued safe navigation of commercial and recreational traffic across the barrier; however, results indicated an arcing risk and hazardous electrical discharges as vessels transited the barrier posing a serious risk to navigation through the barrier. To mitigate these risks, navigational and operational restrictions will be placed on all vessels transiting through the vicinity. Until the potential electrical hazards can be rectified, the Coast Guard will require vessels transiting the regulated navigation area to adhere to specified operational and navigational requirements.

Discussion of Proposed Rule

This proposed rule will suspend 33 CFR 165.923 and place additional restrictions on all vessels transiting through electrical dispersal barrier IIA located on the Chicago Sanitary and Ship Canal from June 30, 2008 until August 15, 2008. The regulated navigation area encompasses all waters of the Chicago Sanitary and Ship Canal 270 feet south of the Romeo Road Bridge Mile Marker 296.1 to the south side of the Aerial Pipeline Mile Marker 296.7. The requirements placed on all vessels include: All up-bound and down-bound barge tows that contain one or more red flag barges transiting through the restricted navigation area must be

assisted by a bow boat at least one mile above the restricted navigation area to at least one mile below the restricted navigation area. Red flag barges are barges containing hazardous materials as identified by commodity codes:

01 (Empty with previous hazardous material)
20 (Petroleum and Petroleum Products)
21 (Crude Petroleum)
22 (Gasoline, Jet Fuel and Kerosene)
23 (Distillate, Residual and other Fuel Oils; Lubricating Oils and Greases)
24 (Petroleum Pitches, Coke Asphalt, Naphtha and Solvents)
30 (Chemicals and Related Products)
31 (Fertilizer-Nitrogenous, Potassic, Phosphatic and Others)
32 (Organic Industrial Chemicals {Crude Products} from Coal, Tar, Petroleum and Natural Gas, Dyes, Organic Pigment Dying and Tanning Materials, Alcohols, Benzene; Inorganic Industrial Chemicals {Sodium Hydroxide}; Radioactive and Associated Materials; Drugs)

The U.S. Army Corps of Engineers will contract bow boat assistance for barge tows containing one or more red flag barges. Information on how to contact the contractor for bow boat assistance will be provided to the public in a Broadcast Notice to Mariners. Towing assistance will be provided from at least one mile above the restricted navigation area to at least one mile below the restricted navigation area.

This proposed rule prohibits all vessels from loitering in the regulated navigation area; vessels may enter the regulated navigation area for the sole purpose of transiting to the other side and must maintain headway throughout the transit. The rule also requires all personnel on open decks to wear a Coast Guard approved Type I personal flotation device while in the regulated navigation area. In addition, vessels may not moor or lay up on the right or left descending banks in the regulated navigation area; towboats may not make or break tows in the regulated navigation area; vessels may not pass (meet or overtake) in the regulated navigation area. All vessels must make a SECURITE call when approaching the barrier to announce intentions and work out passing arrangements on either side. Finally, commercial tows transiting the regulated navigation area must be made up with wire rope to ensure electrical connectivity between all segments of the tow.

These restrictions are necessary for safe navigation of the regulated navigation area and to ensure the safety of vessels and their personnel as well as the public's safety due to the electrical discharges noted during safety tests conducted by the U.S. Army Corps of Engineers. Deviation from this proposed rule is prohibited unless specifically authorized by the Commander, Ninth Coast Guard District or his designated representative. The Commander, Ninth Coast Guard District will designate Captain of the Port, Lake Michigan as his designated representative for the purposes of this proposed rule.

A temporary safety zone will be in place while repairs are being made to barrier I. This temporary safety zone is necessary to ensure the safety of workers and vessels during maintenance operations to barrier I on the Chicago and Sanitary Ship Canal.

The maintenance on barrier I will occur between 7 a.m., July 14, 2008 and 5 p.m., August 9, 2008. The safety zone will be enforced from 7 a.m. to 12 p.m. and 1 p.m. to 5 p.m. on July 14, 2008 through August 9, 2008. The safety zone will encompass all waters of the Chicago Sanitary Ship Canal from mile marker 296.1 to mile marker 296.7.

The Captain of the Port will cause notice of enforcement of the safety zone established by this section to be made by all appropriate means to the affected segments of the public. Such means of notification will include, but is not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port will issue a broadcast Notice to Mariners notifying the public when enforcement of the safety zone is terminated.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This determination is based on the fact that traffic will still be able to transit through the regulated navigation area and the minimal time that vessels will be restricted from the safety zone. The safety zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small: The owners and operators of vessels intending to transit or anchor in a portion of the Chicago Sanitary Ship Canal from June 30, 2008 to August 15, 2008.

This regulated navigation area and safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic will be able to transit through the regulated navigation area. The U.S. Army Corps of Engineers will contract bow boat assistance for barge tows containing one or more Red Flag barges. Vessel traffic will only be limited for one five hour period and one four hour period each day the safety zone is in effect. In the event this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Lake Michigan to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect.

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 the rule so that they could better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for

compliance, please contact CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199; 216–902–6049. 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 proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed 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 would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that these regulations and fishing rights protections need not be incompatible. We have also determined that this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Nevertheless, Indian Tribes that have questions concerning the provisions of this proposed rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. A preliminary ''Environmental Analysis Check List'' supporting this preliminary determination is available in the docket where indicated under **ADDRESSES.** We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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.

§ 165.923 [Suspended]

2. Section 165.923 is suspended from July 30, 2008, until August 15, 2008.

3. A new temporary § 165.T09–0470 is added as follows:

§ 165.T09–0470 Temporary Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL.

a. (1) *Regulated Navigation Area.* The following is a Regulated Navigation Area: All waters of the Chicago Sanitary and Ship Canal, Romeoville, IL, 270 feet south of the Romeo Road Bridge Mile Marker 296.1 to the south side of the Aerial Pipeline Mile Marker 296.7.

(2) *Effective period.* This regulation is effective from June 30, 2008, until August 15, 2008.

(3) *Definitions.* The following definitions apply to paragraph a.(1): *Designated representative* means the Captain of the Port, Lake Michigan.

Red Flag barges means barges containing hazardous materials as identified by commodity codes:

(a) 01 (Empty with previous hazardous material);

(b) 20 (Petroleum and Petroleum Products);

(c) 21 (Crude Petroleum);

(d) 22 (Gasoline, Jet Fuel and Kerosene);

(e) 23 (Distillate, Residual and other Fuel Oils; Lubricating Oils and Greases);

(f) 24 (Petroleum Pitches, Coke Asphalt, Naphtha and Solvents);

(g) 30 (Chemicals and Related Products);

(h) 31 (Fertilizer-Nitrogenous, Potassic, Phosphatic and Others); and

(i) 32 (Organic Industrial Chemicals {Crude Products} from Coal, Tar, Petroleum and Natural Gas, Dyes, Organic Pigment Dying and Tanning Materials, Alcohols, Benzene; Inorganic Industrial Chemicals {Sodium Hydroxide}; Radioactive and Associated Materials; Drugs)

(4) *Regulations.* (a) The general regulations contained in 33 CFR 165.13 apply.

(b) All up-bound and down-bound barge tows that contain one or more red flag barges transiting through the restricted navigation area must be assisted by a bow boat until the entire tow is clear of the expanded restricted navigation area boundaries.

1. Information on how to contact the contractor for bow boat assistance will be provided to the public in a Broadcast Notice to Mariners.

2. Towing assistance will be provided from at least one mile above the restricted navigation area to at least one mile below the restricted navigation area.

(c) All vessels are prohibited from loitering in the regulated navigation area.

(d) Vessels may enter the regulated navigation area for the sole purpose of transiting to the other side and must maintain headway throughout the transit.

(e) All personnel on open decks must wear a Coast Guard approved Type I personal flotation device while in the regulated navigation area.

(f) Vessels may not moor or lay up on the right or left descending banks of the regulated navigation area.

(g) Towboats may not make or break tows in the regulated navigation area.

(h) Vessels may not pass (meet or overtake) in the regulated navigation area and must make a SECURITE call when approaching the barrier to announce intentions and work out passing arrangements on either side.

(i) Commercial tows transiting the regulated navigation area must be made up with wire rope to ensure electrical connectivity between all segments of the tow.

(5) *Compliance.* All persons and vessels must comply with this section and any additional instructions of the Ninth Coast Guard District Commander, or his designated representative.

b.(1) *Safety Zone.* The following area is a temporary safety zone: All waters of the Chicago Sanitary Ship Canal from mile marker 296.1 to 296.7.

(2) *Effective period.* This regulation is effective from 7 a.m., July 14, 2008, to 5 p.m., August 9, 2008. The safety zone will be enforced from 7 a.m. to 12 p.m. and 1 p.m. to 5 p.m. on July 14, 2008, through August 9, 2008.

(3) *Regulations.* (a) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or his on-scene representative, for b.(1).

(b) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan, or his on-scene representative, for b.(1).

(c) The ''on-scene representative'' of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf for b.(1). The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

(d) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Lake Michigan or his on-scene representative to obtain permission to do so.

Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or his on-scene representative.

Dated: May 30, 2008.

Michael N. Parks,

Captain, U.S. Coast Guard, Acting Commander, Ninth Coast Guard District.

[FR Doc. E8–13145 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0264]

RIN 1625–AA00

Safety Zone: Patchogue Bay, Patchogue, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone for the Patchogue Grand Prix, a power boat race on Patchogue Bay off of Patchogue, New York on August 22, 23, and 24, 2008, and each year thereafter on dates and times specified in a **Federal Register** notice. The safety zone would provide for safety of navigation of the maritime public viewing and transiting near the power boat race in order to protect the maritime community from the hazards inherent with a power boat race, namely, a collision and loss of control of the vessels participating in this event. Entry into this zone would be prohibited unless authorized by the Captain of the Port Long Island Sound.

DATES: Comments and related material must reach the Coast Guard on or before July 14, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0264 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

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

(2) *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 20590–0001.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call LT Kristen Schroeder, USCG Sector Long Island Sound, Prevention Department at (203) 486–4459. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. 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) to use the Docket Management Facility.

Please see DOT's ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0264), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to http://www.regulations.gov at any time. Enter the docket number for this rulemaking (USCG–2008–0264) in the Search box, and click ''Go >>.'' You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the Prevention Department at Coast Guard Sector Long Island Sound, 120 Woodward Ave, New Haven, CT 06512 between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review 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.*

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

OPA Racing LLC of Brick, NJ is sponsoring a power boat race in Patchogue Bay, Patchogue, NY on the 22nd, 23rd and 24th of August, 2008. A safety zone is necessary to protect the maritime community from the hazards associated with a power boat race. The safety zone would be enforced from 11 a.m. to 5 p.m on each day of the three-day event to accommodate the practice sessions and the race. The Coast Guard proposes to permanently establish this safety zone and enforce it in future years on particular days and times specified via announcement in the **Federal Register**.

Patchogue Bay is located on the south shore of Long Island, New York. The boat race consists of approximately 40 power boats performing at high rates of speed in close proximity to other power boats over a specified area of Patchogue Bay, Patchogue, NY. The Coast Guard is proposing this safety zone in order to provide for the safety of the maritime community and spectators viewing the power boat race from the water should an accident, such as a collision of the competing power boats, occur during the race.

Discussion of Proposed Rule

The permanent safety zone would be enforced during the testing of the powerboats on days prior to the race as well as during the race itself. For 2008, the safety zone would be enforced on August 22 and 23, 2008 and the day of the race, August 24, 2008. In 2008, the safety zone would be enforced from 11 a.m. until 5 p.m. during the event and testing sessions. This will provide for sufficient time to clear the safety zone area prior to the testing session and the start of the race, as well as additional time should testing or the race run over the scheduled period. Dates and times for future occurrences of the race and the enforcement of the safety zone will be announced in the **Federal Register**. Prior to enforcement of the safety zone, Coast Guard Sector Long Island Sound will cause notice of the enforcement of the safety zone to be made by all appropriate means to ensure the widest publicity among the affected segments of the public and will include publication in the local notice to mariners, marine information broadcasts, and facsimile. The safety zone would be established on the navigable waters of Patchogue Bay as bounded by the following geographic coordinates: Beginning at a point on land in Patchogue, NY at approximate position 40°44′56″ N, 073°00′49″ W, then running south to a point in Patchogue Bay at approximate position 40°44′29″ N, 073°00′49″ W; then running south east to a point in Great South Bay at approximate position 40°43′47″ N, 072°59′54″ W; then running east to approximate position 40°43′53″ N, 072°58′46″ W; then to approximate position 40°43′57″ N, 072°57′06″ W, then north to a point on land at approximate position 40°44′29″ N, 072°57′09″ W. All coordinates are North American Datum 1983.

The Captain of the Port anticipates minimal negative impact on vessel traffic because of this safety zone due to the limited area covered by this safety zone and the short enforcement period. Any violation of the proposed temporary safety zone described herein would be punishable by, among others, civil and criminal penalties, in rem liability against the offending vessel, and license sanctions.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: the zone would only be enforced for a maximum of eight hours on three specific days, and vessels may transit in all areas around the zone at all times.

Small Entities

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

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in those portions of Patchogue Bay, Patchogue, New York and marinas located within Patchogue Bay covered by the safety zone that temporarily may not be able to receive customers. The economic impact on these small entities is not significant as vessels will be able to transit around the safety zone and in all other navigable portions of Patchogue Bay while the safety zone is being enforced and vessels desiring to transit to marinas located within the vicinity of the safety zone may request permission from the Captain of the Port to enter and transit the 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 the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Kristen Schroeder, Prevention Department, Coast Guard Sector Long Island Sound at 203–468–4459. 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 proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

This proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. A preliminary ''Environmental Analysis Check List'' supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226 and 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 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 § 165.158 to read as follows:

§ 165.158 Safety Zone: Patchogue Grand Prix, Patchogue Bay, Patchogue, NY.

(a) *Location.* The following area is a safety zone: All navigable waters of Patchogue Bay, NY bounded by an area beginning at a point on land in Patchogue, NY at approximate position 40°44′56″ N, 073°00′49″ W; then running south to a point in Patchogue Bay at approximate position 40°44′29″ N, 073°00′49″ W; then running south east to a point in Great South Bay at approximate position 40°43′47″ N, 072°59′54″ W; then running east to approximate position 40°43′53″ N, 072°58′46″ W; then to approximate position 40°43′57″ N, 072°57′06″ W; then north to a point on land at approximate position 40°44′29″ N, 072°57′09″ W. All coordinates are North American Datum 1983.

(b) *Definitions.* The following definitions apply to this section: *Designated on-scene patrol personnel,* means any commissioned, warrant and petty officers of the U.S. Coast Guard operating Coast Guard vessels who have been authorized to act on the behalf of the Captain of the Port, Long Island Sound.

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

(2) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

(3) All persons and vessels must comply with the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

(4) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(5) Persons and vessels may request permission to enter the zone on VHF–16 or via phone at (203) 468–4401.

(d) *Enforcement Period.* This rule will be enforced from 11 a.m. to 5 p.m. on August 22, 23, and 24, 2008 and each year thereafter on dates and times specified in a **Federal Register** notice.

Dated: May 12, 2008.

Daniel A. Ronan,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. E8–13143 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, SUPSHIP Bath Detachment Mobile, Mobile, AL

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to establish a restricted area around the AUSTAL, USA shipbuilding facility located in Mobile, Alabama, because of the sensitive nature of the on-going and potential future activities at that facility. The Supervisor of Shipbuilding, Conversion and Repair (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in Mobile, Alabama. The proposed restricted area will be used for on-going construction when vessels are placed in the water. The proposed restricted area is essential to protect persons and property from the dangers associated with the operation and safeguard the area from accidents, sabotage and other subversive acts.

DATES: Written comments must be submitted on or before July 14, 2008.

ADDRESSES: You may submit comments, identified by docket number COE–2008–0014, by any of the following methods:

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

E-mail: david.b.olson@usace.army.mil. Include the docket number COE–2008–0014 in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CO (David B. Olson), 441 G Street, NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2008–0014. All comments received will be included in the public docket without change and may be made available on-line at *http://regulations.gov*, including any personal information provided, unless the commenter indicates that 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 Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to the Corps 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 public docket and made available on the Internet. If you submit an electronic comment, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Consideration will be given to all comments received within 30 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or Mr. Damon M. Young, U.S. Army Corps of Engineers, Mobile District, at 251–690–2658.

SUPPLEMENTARY INFORMATION: The Supervisor of Shipbuilding, Conversion and Repair (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in Mobile, Alabama. In accordance with Department of Defense and Department of the Navy guidance, the SUPERVISOR is responsible for the antiterrorism efforts and force protection of Department of the Navy assets under his charge. The SUPERVISOR established SUPSHIP Bath Detachment Mobile, Alabama to assist to that end by managing a portion of the activities at

the AUSTAL, USA shipbuilding facility in Mobile, Alabama. The first ship launch occurred in late April 2008. Until the final rule goes into effect, the Mobile District has imposed a temporary restricted area pursuant to the procedures at 33 CFR 334.3(c). The temporary restricted area will be identified by marker buoys.

In response to a request by the United States Navy, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps is proposing to amend the regulations in 33 CFR Part 334 by establishing a new restricted area.

Procedural Requirements

a. *Review Under Executive Order 12866*. This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act*. This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). Unless information is obtained to the contrary during the public notice comment period, the Corps expects that the economic impact of the proposed restricted area would have practically no impact on the public, any anticipated navigational hazard or interference with existing waterway traffic. This proposed rule, if adopted, will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act*. The Corps expects that the proposed rule will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered. After it is prepared, it may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT**, above.

d. *Unfunded Mandates Act*. The proposed rule does not impose an enforceable duty among the private sector and, therefore, are not a Federal private sector mandate and are not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Add § 334.782 to read as follows:

§ 334.782 AUSTAL, USA/SUPSHIP Bath Detachment Mobile, Alabama; naval restricted area.

(a) *The area*. The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as AUSTAL, USA and the mean high water level within a rectangular shaped area on the east side of the Mobile River beginning at latitude 30°41′36.46″, longitude −88°2′2.70″; thence westerly to latitude 30°41′35.85″, longitude −88°2′5.12″; thence southerly to latitude 30°41′26.67″, longitude −88°2′3.62″; thence easterly to latitude 30°41′26.98″, longitude −88°2′1.81″; thence northerly along the easterly shoreline to the point of origin.

(b) *The regulations*. (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine or his/her authorized representative.

(2) The restricted area is in effect twenty-four hours per day and seven days a week (24/7).

(c) *Enforcement*. The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine and/or such agencies or persons as he/she may designate.

Dated: June 4, 2008.

Michael G. Ensch,

Chief, Operations, Directorate of Civil Works.

[FR Doc. E8–13283 Filed 6–11–08; 8:45 am]

BILLING CODE 3710–92–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. PTO–T–2008–0021]

RIN 0651–AC26

Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases

AGENCY: United States Patent and Trademark Office, Commerce.

ACTIONS: Proposed rule.

SUMMARY: The United States Patent and Trademark Office (''Office'') proposes to revise the Trademark Rules of Practice to set forth the requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases.

DATES: Comments must be received by August 11, 2008 to ensure consideration.

ADDRESSES: The Office prefers that comments be submitted via electronic mail message to *TMSignature@uspto.gov*. Written comments may also be submitted by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451, attention Mary Hannon; by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building—East Wing, 600 Dulany Street, Alexandria, Virginia, attention Mary Hannon; or by electronic mail message via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (*http://www.regulations.gov*) for additional instructions on providing comments via the Federal eRulemaking Portal. The comments will be available for public inspection on the Office's Web site at *http://www.uspto.gov*, and will also be available at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia.

SUPPLEMENTARY INFORMATION: The Office proposes to revise the Trademark Rules of Practice (37 CFR Part 2) to set forth the requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases. The purpose of the rule is to codify and clarify current practice.

References below to ''the Act,'' ''the Trademark Act,'' or ''the statute'' refer to

the Trademark Act of 1946, 15 U.S.C. 1051 *et seq.*, as amended. References to ''TMEP'' or ''*Trademark Manual of Examining Procedure*'' refer to the 5th edition, September 2007. References to a ''party to a proceeding'' refer to a party to a proceeding before the Trademark Trial and Appeal Board, e.g., an opposer, cancellation petitioner, or a party to an interference or concurrent use proceeding.

Overview of Current Practice

Persons Authorized To Represent Others

Under 37 CFR 10.14, only the following individuals may represent an applicant, registrant, or party to a proceeding before the Office in a trademark case:

- An attorney as defined in § 10.1(c), *i.e.*, an attorney who is a member in good standing of the bar of the highest court of a state in the United States;
- A Canadian patent agent who is registered and in good standing as a patent agent under § 11.6(c) for the limited purpose of representing parties located in Canada;
- A Canadian attorney or agent who has been granted recognition by the Director of the Office of Enrollment and Discipline of the United States Patent and Trademark Office (''OED Director'') to represent parties located in Canada; or
- An individual who is not an attorney but was recognized to practice before the Office in trademark cases under this chapter prior to January 1, 1957.

See Trademark Manual of Examining Procedure (''TMEP'') Sections 602 and 602.06 et seq.

An individual who does not meet the requirements of § 10.14 cannot: Prepare documents to be filed in the Office; sign amendments, responses to Office actions, petitions to the Director under § 2.146, or letters of express abandonment; authorize examiner's amendments, priority actions, or changes of correspondence address; or otherwise represent an applicant, registrant, or party to a proceeding in the Office. 5 U.S.C. 500(d); 37 CFR 10.14(e); TMEP sections 602.03 and 605.02.

Recognition of Representative

To be recognized as a representative, a practitioner who meets the requirements of § 10.14 (''qualified practitioner'') may:

- File a power of attorney signed by the applicant, registrant, or party to a proceeding in a trademark case, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership);
- Sign a document on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a qualified practitioner from a different firm; or
- Appear in person on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a qualified practitioner from a different firm.

37 CFR 2.17(c); TMEP sections 602.01 and 602.07.

Once the Office has recognized a qualified practitioner as the representative of an applicant or registrant, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. The Office will not conduct business directly with the applicant or registrant, or with another qualified practitioner from a different firm, unless the applicant or registrant files a new power of attorney or revocation of the previous power. TMEP sections 601.02, 602.07, and 603.02(a).

For purposes of recognition as a representative, the Office considers a power of attorney to end when the mark is registered, when ownership changes, or when the application is abandoned. TMEP section 602.01.

After a change in ownership has been recorded, if a new qualified practitioner appears on behalf of the new owner, the Office will communicate and conduct business with that practitioner even if no new power of attorney or revocation of the previous power is filed. On the other hand, if the previously recognized practitioner appears on behalf of the new owner (which might occur when the new owner is a related company), the Office will continue to conduct business and correspond with that practitioner.

Establishing the Correspondence Address for Application or Registration

Upon receipt of an application, the Office enters the correspondence address in accordance with the following guidelines:

- If the application is transmitted by a qualified practitioner, or includes a power of attorney designating a qualified practitioner, the Office will send correspondence to the practitioner.
- If an application is not being prosecuted by a qualified practitioner and the applicant has not designated a correspondence address, but a domestic representative has been appointed, the Office will send correspondence to the domestic representative.
- If an application is not being prosecuted by a qualified practitioner but the applicant designates in writing a correspondence address other than its own address, the Office will send correspondence to that address.
- If the application is not being prosecuted by a qualified practitioner, no domestic representative has been appointed, and the applicant has not designated a different address for correspondence, the Office will send correspondence directly to the applicant at its address of record.

37 CFR 2.18; TMEP section 603.01

The Office reestablishes the correspondence address in accordance with these same guidelines upon the examination of an affidavit of use or excusable nonuse under section 8 of the Trademark Act, affidavit or declaration of incontestability under section 15 of the Act, renewal application under section 9 of the Act, or request for amendment or correction of a registration under section 7 of the Act. TMEP section 603.02(c). Due to the length of time that elapses between registration and filings under sections 7, 8, 9, 15 and 71 of the Act (which can be 10 years or more), the Office will recognize a qualified practitioner who transmits such a filing even if there is no new power of attorney or revocation of a previous power.

Changing the Correspondence Address

Once the correspondence address is established as discussed above, the Office will send correspondence to that address unless there is a written request to change the address, signed by the practitioner who has been recognized by the Office, or by the applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) if the applicant or registrant is not represented by a qualified practitioner. 37 CFR 2.18(b); TMEP sections 601.02, 602.07, and 603.02(a).

Once the Office has recognized a qualified practitioner as the representative of an applicant or registrant, only that practitioner, or another qualified practitioner from the same firm, can sign a request to change the address, unless the applicant or registrant files a new power of attorney or revocation of the previous power, or the recognized practitioner files a request to withdraw. TMEP sections 603.02(a) and 605.02.

If a qualified practitioner transmits documents on behalf of an applicant or registrant who is not already represented by another qualified practitioner from a different firm, the

Office will construe this as including a request to change the correspondence address to that of the practitioner. TMEP section 603.02(a).

Documents Must Be Properly Signed

Because an individual who is not authorized under § 10.14 cannot represent an applicant, registrant, or party to a proceeding before the Office, the Office will not act on documents that are not properly signed. TMEP sections 602.03 and 605.02. When it is unclear whether a response to an Office action is signed by a proper person, the Office will notify the applicant or registrant that the response is incomplete. *See* TMEP sections 605.05(a) and 712.03 regarding notices of incomplete response. When it is unclear whether a document other than a response to an Office action is signed by a proper person, the Office will notify the applicant or registrant that no action will be taken on the document, unless the applicant or registrant either establishes the signatory's authority or submits a properly signed document. See TMEP section 605.05.

Unauthorized Practice

When the Office learns that a person who is not qualified under § 10.14 is acting as the representative of an applicant, registrant, or party to a proceeding, the Office will notify the affected applicant, registrant, or party that the individual is not entitled to practice before the Office in trademark matters, and therefore, may not represent the applicant, registrant, or party; that any power of attorney is void *ab initio*; that the individual may not sign responses to Office actions; and that all correspondence will be sent to the domestic representative if one has been designated, or alternatively, to the applicant, registrant, or party to a proceeding at its address of record. If the Office receives a response signed by such an unqualified person, the response will be treated as incomplete. This same practice is followed when the Office learns that a practitioner has been suspended or excluded from practice before the Office.

Discussion of Proposed Rules Changes

Where appropriate, the Office proposes to reword or reorganize the rules for clarity, and to add headings to make it easier to navigate through the rules.

The Office proposes to redesignate § 2.17(a) as § 2.17(b)(2).

The Office proposes to redesignate § 2.17(b) as § 2.17(f).

The Office proposes to redesignate § 2.17(c) as § 2.17(b), and to revise it to provide that the Office will recognize a qualified practitioner who signs a document or appears in person in a trademark case only if the applicant, registrant, or party to a proceeding is not already represented by a qualified practitioner from a different firm. This is consistent with TMEP sections 602.01 and 602.07.

The Office proposes to set forth the requirements for powers of attorney in § 2.17(c). A power must: (1) Designate by name at least one practitioner who meets the requirements of 37 CFR 10.14; and (2) be signed by the individual applicant, registrant, or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership). Once the applicant, registrant, or party to a proceeding has designated a qualified practitioner(s), that practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to represent the applicant, registrant, or party to a proceeding. This is consistent with TMEP sections 602.01 and 602.01(b).

The Office proposes to amend § 2.17(d) to add a provision that the owner of an application or registration may appoint an attorney through TEAS for up to 20 applications or registrations that have the identical owner and attorney. This is consistent with TMEP section 602.01(a).

The Office proposes to add § 2.17(e) to set forth the circumstances under which a Canadian attorney or agent may represent parties located in Canada. A Canadian patent agent who is registered with the Office and in good standing as a patent agent under § 11.6(c) may represent parties located in Canada before the Office in trademark matters. A Canadian attorney or agent who is registered or in good standing with the Canadian Intellectual Property Office, but not registered as a patent agent under § 11.6(c), may represent parties located in Canada if he or she has been authorized to do so by the OED Director. Before undertaking to represent an applicant, registrant, or party before the Office, and before filing a paper with the Office, a Canadian attorney or agent who is not registered with the Office and in good standing as a patent agent under § 11.6(c) must both file a request for and be granted recognition to practice before the Office in trademark cases. The request for recognition must be filed with OED. The request must be granted by the OED Director before representation is undertaken and before any application or other document is filed in the Office. The request for recognition must include proof that he/she satisfies the requirements of 35 U.S.C. 32 and 37 CFR § 10.14(c). This is consistent with TMEP section 602.06(a). The Office has separately proposed to replace 37 CFR 10.14(c) with 37 CFR 11.14(c) and add 37 CFR 11.14(f). Under 37 CFR 11.14(c), a Canadian attorney or agent will be required to file a written application for reciprocal recognition under 37 CFR 11.14(f), provide evidence satisfying § 11.14(c), and pay an application fee that will be required by 37 CFR 1.21(a)(1)(i).

Once recognized by OED, the Canadian attorney or agent can only represent parties who are located in Canada. He or she cannot represent Canadian nationals who are not located in Canada. Thus, a Canadian attorney or agent could not represent a Canadian national who resides in California and has access to a mailing address in Canada.

The Office proposes to add § 2.17(g)(1), to provide that the Office considers a power of attorney to end with respect to a pending application when the mark is registered, when ownership changes, or when the application is abandoned. This is consistent with TMEP section 602.01.

The Office proposes to add § 2.17(g)(2), to provide that the Office considers a power of attorney filed after registration to end when the mark is cancelled or expired, or when ownership changes. If the power was filed in connection with an affidavit of use or excusable nonuse under section 8 or 71 of the Trademark Act, affidavit or declaration of incontestability under section 15 of the Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, the power is deemed to end upon acceptance or final rejection of the filing.

Current § 2.18 sets forth the procedures for establishing the correspondence address. The Office proposes to revise and reorganize § 2.18 to clarify the procedures for establishing and changing a correspondence address.

Proposed § 2.18(a)(2) provides that if a qualified practitioner transmits a document(s) on behalf of an applicant, registrant, or party to a proceeding in a trademark case, the Office will send correspondence to the practitioner transmitting the documents only if the applicant, registrant, or party to a proceeding is not already represented by another qualified practitioner. This is consistent with TMEP sections 602.07, 603.01, and 603.02(a).

Proposed § 2.18(a)(6) provides that the Office will send correspondence to only

one address. This is consistent with current § 2.18(b).

Proposed § 2.18(a)(7) provides that once the Office has recognized a qualified practitioner as the representative of an applicant, registrant, or party to a proceeding, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. The Office will not conduct business directly with the applicant, registrant, or party to a proceeding, or with another qualified practitioner from a different firm, unless the applicant, registrant, or party to a proceeding files a revocation of the power of attorney under § 2.19(a), and/or a new power of attorney that meets the requirements of § 2.17(c). The proposed rule further provides that a written request to change the correspondence address does not revoke a power of attorney. This is consistent with TMEP sections 601.02, 602.07, and 603.02(a).

Proposed § 2.18(b)(1) provides that when a physical or e-mail correspondence address changes, the applicant, registrant, or party to a proceeding must file a written request to change the correspondence address. The request should be promptly filed. This is consistent with TMEP section 603.03.

Proposed § 2.18(b)(2) provides that a request to change the correspondence address must be made in writing, signed by the applicant, registrant, or party to a proceeding, someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with § 2.193(e)(2). This is consistent with current § 2.18(b) and TMEP sections 603.02 and 603.02(a).

Proposed § 2.18(b)(3) provides that if an applicant or registrant files a new power of attorney that meets the requirements of § 2.17(c), the Office will change the correspondence address to that of the practitioner named in the power.

Proposed § 2.18(b)(4) provides that if a qualified practitioner transmits a document(s) on behalf of an applicant, registrant, or party to a proceeding who is not already represented by another qualified practitioner, the Office will construe this as including a request to change the correspondence address to that of the practitioner, and will send correspondence to the practitioner. This is consistent with TMEP section 603.02(a).

The Office proposes to add § 2.18(c)(1), to provide that even if there is no new power of attorney or written request to change the correspondence address, the Office will change the correspondence address upon the examination of an affidavit of use or excusable nonuse under section 8 or 71 of the Trademark Act, affidavit or declaration of incontestability under section 15 of the Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act. This is consistent with TMEP section 603.02(c). Due to the length of time that elapses between filings under sections 7, 8, 9, 15 and 71 of the Act (which can be 10 years or more), the Office automatically enters a new correspondence address upon examination of each filing.

The Office proposes to add § 2.18(c)(2), to provide that once the Office establishes a correspondence address upon examination of an affidavit, renewal application or section 7 request, a written request to change the address is required to change the address during the pendency of that filing.

Example 1: Attorney A transmits an affidavit of use under section 8, and the examiner issues an Office action in connection with the affidavit. If another attorney from a different firm (Attorney B) wants to file a response to the Office action, Attorney B must file a new power of attorney and/or revocation of the previous power, signed by the owner of the registration or someone with legal authority to bind the owner, before the Office will act on the response and send correspondence to Attorney B.

Example 2: Attorney A transmits an affidavit of use under section 8, and the Office accepts the affidavit. If another attorney from a different firm (Attorney B) later files a request for amendment under section 7, the Office will recognize and correspond with Attorney B regardless of whether a new power of attorney or revocation of the previous power is filed.

Example 3: Attorney A transmits an affidavit of use under section 8, and the examiner issues an Office action in connection with the affidavit. If another attorney from a different firm (Attorney B) wants to file a request for amendment under section 7 before the Office accepts or issues a final rejection of the section 8 affidavit, Attorney B must file a new power of attorney and/or revocation of the previous power, signed by the owner of the registration or someone with legal authority to bind the owner, before the Office will act on the section 7 request and send correspondence to Attorney B.

The Office proposes to revise § 2.19(a) to clarify the requirements for revocation of a power of attorney. Proposed § 2.19(a)(1) provides that a request to revoke a power of attorney must be signed by the applicant, registrant, or party to a proceeding, or by someone with legal authority to bind the applicant, registrant, or party. This is consistent with TMEP section 602.04.

The Office proposes to add § 2.19(a)(3), stating that a request to change the correspondence address does not revoke a power of attorney.

The Office proposes to add § 2.19(a)(4), stating that a new power of attorney that meets the requirements of § 2.17(c) will be treated as a revocation of the previous power.

The Office proposes to remove the provision in the current § 2.19(a) that the Office will notify the affected person of the revocation of his or her authorization. The Office no longer issues such notices. Anyone who wants to know whether the revocation of a power of attorney has been entered can check the TARR database on the Office's Web site at *http://tarr.uspto.gov*.

The Office proposes to revise § 2.19(b) to set forth the requirements for filing a request to withdraw as attorney. This is consistent with TMEP section 602.05. The request should be filed soon after the practitioner notifies the client of his/her intent to withdraw, and must include the application serial number, registration number, or proceeding number; a statement of the reason(s) for the request to withdraw; and either (1) a statement that the practitioner has given due notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office; that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable; that the practitioner has delivered to the client all documents and property in the practitioner's file concerning the application or registration to which the client is entitled; and that the practitioner has notified the client of any responses that may be due, and of the deadline for response; or (2) if there is more than one attorney of record, a statement that representation by co-counsel is ongoing.

The Office proposes to amend § 2.22(a)(11) to change a cross-reference.

The Office proposes to amend § 2.23(a)(2), which requires that a TEAS Plus applicant continue to receive communications from the Office by electronic mail during the pendency of the application, to add a requirement that a TEAS Plus applicant maintain a valid e-mail correspondence address in order to maintain TEAS Plus status. If the e-mail address changes, the applicant must notify the Office of the change.

The Office proposes to redesignate § 2.24 as § 2.24(a), and amend it to provide that if an applicant is not domiciled in the United States, the

applicant may designate the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark by: (1) Setting forth the name of the domestic representative in the initial application, or (2) filing a separate designation signed by the applicant, someone with legal authority to bind the applicant (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner.

Where the designation of domestic representative is set forth in the initial application, the designation may be signed by a person authorized to sign the application on behalf of applicant, pursuant to proposed § 2.193(e)(1). The Office does not question the authority of the signatory, unless there is an inconsistency in the record as to the signatory's authority to sign. TMEP section 804.04.

The Office proposes to add new § 2.24(b), to provide that a request to change or revoke a designation of domestic representative must be signed by the applicant, someone with legal authority to bind the applicant, or a qualified practitioner.

The Office proposes to amend § 2.33(a) to remove the definition of ''person properly authorized to sign'' a verification on behalf of applicant, and replace it with a cross-reference to proposed § 2.193(e)(1). The substance of this definition is unchanged.

The Office proposes to remove § 2.33(d), which provided for signature of verifications in applications filed through TEAS, because it is unnecessary. The procedure for signing a TEAS document is set forth in proposed § 2.193(c). This procedure is unchanged.

The Office proposes to amend § 2.62 and its heading to add a requirement that a response to an Office action be signed by the applicant, someone with legal authority to bind the applicant, or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This includes responses to suspension inquiries or letters of suspension. This is consistent with TMEP section 712.01.

The Office proposes to amend § 2.64(b) to add a requirement that a request for reconsideration of a final action be signed by the applicant, someone with legal authority to bind the applicant, or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with current practice.

The Office proposes to amend § 2.68 to add a requirement that a request for express abandonment of an application be signed by the applicant, someone with legal authority to bind the applicant, or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with TMEP section 718.01.

The Office proposes to revise § 2.74 to add a new paragraph (c), requiring that such an amendment be signed by the applicant, someone with legal authority to bind the applicant, or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with TMEP section 605.02.

The Office proposes to amend § 2.76(b)(1) to change a cross-reference.

The Office proposes to amend § 2.87(d) to add a provision that a request to divide be signed by the applicant, someone with legal authority to bind the applicant (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with TMEP section 1110.

The Office proposes to amend § 2.88(b)(1) to change a cross-reference.

The Office proposes to amend §§ 2.89 (a)(3) and (b)(3) to change cross-references.

The Office proposes to amend § 2.146(c) to add a provision that a petition to the Director be signed by the petitioner, someone with legal authority to bind the petitioner, or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with TMEP section 1705.07. The proposed rule further provides that when facts are to be proved on petition, the petitioner must submit proof in the form of affidavits or declarations in accordance with § 2.20, signed by someone with firsthand knowledge of the facts to be proved. TMEP section 1705.03.

The Office proposes to amend § 2.161(b) to remove the definition of ''person properly authorized to sign'' an affidavit or declaration of use or excusable nonuse under section 8 of the Trademark Act (''section 8 affidavit'') and replace it with a cross-reference to proposed § 2.193(e)(1). The substance of this definition is unchanged.

The Office proposes to amend § 2.163(b) to add a provision that a response to an Office action issued in connection with a section 8 affidavit be signed by the owner, someone with legal authority to bind the owner, or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with TMEP section 1604.16.

The Office proposes to amend § 2.167 to add a provision that an affidavit or declaration of incontestability under section 15 of the Trademark Act be filed in the name of the owner of the registration, and verified by the owner or a person properly authorized to sign on behalf of the owner under proposed § 2.193(e)(1). This is consistent with TMEP section 1605.04.

The Office proposes to amend § 2.171(a) to add a provision that a request for a new certificate of registration upon change of ownership be signed by the owner of the registration, someone with legal authority to bind the owner, or a qualified practitioner.

The Office proposes to remove the requirement in § 2.171(a) that the original certificate of registration be included with a request for a new certificate of registration upon change of ownership. This is consistent with current practice, and with Office practice in connection with requests to amend or correct registrations under section 7 of the Trademark Act. *See* notice at 69 FR 51362 (Aug. 29, 2004), removing the requirement that the original certificate be included with a section 7 request.

The Office proposes to amend § 2.171(b) to add a provision that a request to divide a registration upon change of ownership with respect to some but not all of the goods/services be signed by the owner of the registration, someone with legal authority to bind the owner (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner. This is consistent with current practice.

The Office proposes to amend § 2.172 to add a provision that a request for surrender of a registration be filed in the name of the owner of the registration, and signed by the owner, a person with legal authority to bind the owner, or a qualified practitioner. This is consistent with current practice.

The Office proposes to amend §§ 2.173(a) and 2.175(b)(2) to add a provision that a request to amend a registration or to correct the owner's error in a registration be filed by the owner and signed by the owner, someone with legal authority to bind the owner (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner. The requirement for filing in the name of the owner is consistent with current practice. However, the requirement for signature by someone with legal authority to bind the owner or a qualified practitioner changes current practice slightly. TMEP sections 1609.01(b) and 1609.10(b) now permit signature by a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner, which could

include someone without legal authority to bind the owner. The Office believes that the better practice would be to require that requests to amend or correct a registration be signed by someone with legal authority to bind the owner or by a qualified practitioner.

The Office proposes to amend § 2.184(b) to add a provision that a response to an Office action issued in connection with a renewal application be signed by the registrant, someone with legal authority to bind the registrant (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner, in accordance with the requirements of proposed § 2.193(e)(2). This is consistent with TMEP section 1606.12.

The Office proposes to redesignate § 2.193(a) as § 2.193(g).

The Office proposes to redesignate § 2.193(b) as § 2.193(h).

The Office proposes to move and reorganize the current § 2.193(c)(1) in proposed §§ 2.193 (a), (b) and (c).

Proposed § 2.193(a) provides that each piece of correspondence that requires a signature must bear: (1) A handwritten signature personally signed in permanent ink by the person named as the signatory, or a true copy thereof; or (2) an electronic signature that meets the requirements of paragraph (c). The proposed rule makes it clear that a handwritten signature must be personally signed by the person named as the signatory, and an electronic signature must be personally entered by the person named as the signatory.

Proposed § 2.193(a)(2) provides that the Office will accept a signature that meets the requirements of paragraph (c) on all correspondence, whether filed on paper, by facsimile transmission, or through TEAS or ESTTA. This is consistent with TMEP section 804.05.

Proposed § 2.193(c) sets forth the requirements for signing a document electronically, previously set forth in § 2.193(c)(1)(iii).

The Office proposes to redesignate § 2.193(c)(2) as § 2.193(f).

The Office proposes to add new § 2.193(d), to require that the name of the person who signs a document in connection with a trademark application or registration must be set forth in printed or typed form immediately below or adjacent to the signature, or identified elsewhere in the filing (e.g., in a cover letter or other document that accompanies the filing).

The Office proposes to redesignate § 2.193(d) as § 2.193(i).

The Office proposes to add new § 2.193(e), setting forth the proper person to sign various types of documents that are commonly filed in connection with trademark applications and registrations.

Proposed § 2.193(e)(1) sets forth the definition of a person who is properly authorized to sign a verification in support of an application for registration, amendment to an application for registration, allegation of use under § 2.76 or § 2.78, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 15 or 71 of the Trademark Act. This is consistent with current §§ 2.33(a) and 2.161(b).

Proposed § 2.193(e)(2) provides that the applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner must sign responses to Office actions, amendments to applications, requests for reconsideration of final actions, requests for express abandonment, requests to divide, notices of change of address, and petitions under § 2.146. This is consistent with proposed §§ 2.62(b), 2.64(b), 2.68(a), 2.74(c), 2.87(d), 2.146(c), 2.163(b), and 2.184(b), discussed above.

Proposed § 2.193(e)(2)(i) provides that if the applicant or registrant is represented by a qualified practitioner, the practitioner must sign, except where correspondence is required to be signed by the applicant or registrant. This is consistent with current § 10.18(a). This applies to both in-house and outside counsel.

Proposed § 2.193(e)(2)(ii) provides that if the applicant or registrant is not represented by a qualified practitioner, the individual applicant or registrant, or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) must sign. In the case of joint applicants or joint registrants who are not represented by a qualified practitioner, all must sign. This is consistent with TMEP sections 605.02, 712.01 and 712.01(a)(i).

Proposed § 2.193(e)(3) provides that the individual applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) must sign powers of attorney and revocations of powers of attorney; that in the case of joint applicants or joint registrants, all must sign; that once the applicant or registrant has designated a qualified practitioner(s), the named practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to prosecute the application or registration; and that if the applicant or registrant revokes the original power of attorney, this revocation also discharges any associate power signed by the practitioner whose power has been revoked. This is consistent with proposed §§ 2.17(c) and 2.19(a), discussed above.

Proposed § 2.193(e)(4) provides that someone with firsthand knowledge of the facts regarding unintentional delay must sign a petition to revive under § 2.66. This is consistent with current §§ 2.66(b)(2) and (c)(2).

Proposed § 2.193(e)(5) provides that the registrant or the registrant's representative must sign a renewal application. This is consistent with current § 2.183(a).

Proposed § 2.193(e)(6) provides that the owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner must sign a request for correction, amendment or surrender of a registration; and that in the case of joint owners who are not represented by a practitioner authorized to practice before the Office under 37 CFR 10.14, all must sign. This is consistent with proposed §§ 2.172, 2.173(a) and 2.175(b)(2).

Proposed § 2.193(e)(7) provides that a designation or revocation of a domestic representative must be signed by applicant or registrant, someone with legal authority to bind the applicant or registrant (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner.

Proposed § 2.193(e)(8) provides that a person transmitting documents to the Office may sign a cover letter or transmittal letter; and that the Office neither requires cover letters nor questions the authority of a person who signs a communication that merely transmits documents. This is consistent with TMEP section 605.03.

Rule Making Requirements

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

Administrative Procedure Act: This rule merely involves rules of agency practice and procedure within the meaning of 5 U.S.C. 553(b)(A). Therefore, this rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d). However, the Office has chosen to seek public comment before implementing the rule.

Regulatory Flexibility Act: The Deputy General Counsel for General Law of the United States Patent and Trademark

Office hereby certifies to the Chief Counsel for Advocacy of the Small Business Administration that this notice of proposed rule making, Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases (RIN 0651–AC26), will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)).

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

The proposed rules clarify certain requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases. In large part, the proposed rule changes are intended to codify existing practice. Although the proposed rules may affect trademark applicants or registrants, because they codify the existing practice of the Office, the changes proposed in this notice will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates: The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This rule would have no such effect on State, local, and tribal governments or the private sector.

Executive Order 13132: This rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Paperwork Reduction Act: This proposed rule involves information collection requirements which are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information in this proposed rule have been reviewed and previously approved by the OMB under OMB control numbers: 0651–0054, 0651–0027 and 0651–0040.

The United States Patent and Trademark Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this proposed rule would not affect the information collection requirements associated with the information collections under OMB control numbers 0651–0054, 0651–0027 and 0651–0040. The changes in this notice are limited to amending the rules of practice to codify current practice with respect to the proper party to sign various documents and current procedures for appointment, revocation or withdrawal of attorneys and domestic representatives.

Interested persons are requested to send comments regarding these information collections, including suggestions for reduction of this burden to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20503, *Attention:* Desk Officer for the Patent and Trademark Office; and (2) Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451 (*Attn:* Mary Hannon).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Trademarks.

For the reasons given in the preamble and under the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 2, as amended, the Office proposes to amend part 2 of title 37 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

2. Revise § 2.17 to read as follows:

§ 2.17 Recognition for representation.

(a) *Authority to practice in trademark cases.* Only an individual who meets the requirements of § 10.14 of this chapter may represent an applicant, registrant, or party to a proceeding before the Office in a trademark case.

(b)(1) *Recognition of practitioner as representative.* To be recognized as a representative in a trademark case, a practitioner qualified under § 10.14 of this chapter may:

(i) File a power of attorney that meets the requirements of paragraph (c) of this section;

(ii) Sign a document on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a practitioner qualified under § 10.14 of this chapter from a different firm; or

(iii) Appear in person on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a practitioner qualified under § 10.14 of this chapter from a different firm.

(2) *Signature as certificate of authorization to represent.* When a practitioner qualified under § 10.14 of this chapter appears in person or signs a document pursuant to paragraph (b) of this section, his or her personal appearance or signature shall constitute a representation to the Office that he or she is authorized to represent the person or entity on whose behalf he or she acts. The Office may require further proof of authority to act in a representative capacity.

(c) *Requirements for power of attorney.* A power of attorney must:

(1) Designate by name at least one practitioner meeting the requirements of § 10.14 of this chapter; and

(2) Be signed by the individual applicant, registrant, or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership). Once the applicant, registrant, or party has designated a practitioner(s) who meets the requirements of § 10.14 of this chapter, that practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to represent the applicant, registrant, or party. If the applicant, registrant, or party revokes the original power of attorney (§ 2.19(a)), this revocation also discharges any associate power signed by the practitioner whose power has been revoked.

(d) *Power of attorney relating to multiple applications or registrations.* (1) The owner of an application or registration may appoint a practitioner(s) who meets the requirements of § 10.14 of this chapter for up to twenty applications or registrations that have the identical owner and attorney through TEAS. The owner may not file a power of attorney relating to future applications through TEAS.

(2) The owner of an application or registration may file a power of attorney that relates to more than one trademark

application or registration, or to all existing and future applications and registrations of that owner, on paper. A person relying on such a power of attorney must:

(i) Include a copy of the previously filed power of attorney; or

(ii) Refer to the power of attorney, specifying the filing date of the previously filed power of attorney; the application serial number (if known), registration number, or *inter partes* proceeding number for which the original power of attorney was filed; and the name of the person who signed the power of attorney; or, if the application serial number is not known, submit a copy of the application or a copy of the mark, and specify the filing date.

(e) *Canadian attorneys and agents.* (1) A Canadian patent agent who is registered and in good standing as a patent agent under § 11.6(c) may represent parties located in Canada before the Office in trademark matters.

(2) A Canadian attorney or agent who is registered or in good standing with the Canadian Intellectual Property Office, but not registered as a patent agent under § 11.6(c), may represent parties located in Canada if he or she has been authorized to do so by the Director of Enrollment and Discipline. See 37 CFR 11.14(c) and (f).

(f) *Non-lawyers.* A non-lawyer may not act as a representative except in the limited circumstances set forth in § 10.14(b) of this chapter. Before any non-lawyer who meets the requirements of § 10.14(b) of this chapter may take action of any kind with respect to an application, registration or proceeding, a written authorization must be filed, signed by the applicant, registrant, or party to the proceeding, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership).

(g) *Duration of power of attorney.* (1) For purposes of recognition as a representative, the Office considers a power of attorney filed while an application is pending to end when the mark registers, when ownership changes, or when the application is abandoned.

(2) The Office considers a power of attorney filed after registration to end when the mark is cancelled or expired, or when ownership changes. If the power was filed in connection with an affidavit of use or excusable nonuse under section 8 or 71 of the Trademark Act, affidavit or declaration of incontestability under section 15 of the Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, the power is deemed to end upon acceptance or final rejection of the filing.

3. Revise § 2.18 to read as follows:

§ 2.18 Correspondence, with whom held.

(a) *Establishing the correspondence address.* (1) If a written power of attorney that meets the requirements of § 2.17 is filed, the Office will send correspondence to the practitioner designated in the power.

(2) If a practitioner qualified under § 10.14 of this chapter transmits a document(s) on behalf of an applicant, registrant, or party to a proceeding who is not already represented by another qualified practitioner from a different firm, the Office will send correspondence to the practitioner transmitting the documents.

(3) If an application, registration or proceeding is not being prosecuted by a practitioner qualified under § 10.14 of this chapter and the applicant, registrant, or party to the proceeding designates a correspondence address in writing, the Office will send the correspondence to the designated address.

(4) If an application, registration or proceeding is not being prosecuted by a practitioner qualified under § 10.14 of this chapter and the applicant, registrant, or party to the proceeding has not designated a correspondence address in writing, but a domestic representative has been appointed, the Office will send correspondence to the domestic representative.

(5) If the application, registration or proceeding is not being prosecuted by a practitioner qualified under § 10.14 of this chapter, the applicant, registrant, or party to the proceeding has not designated a correspondence address, and no domestic representative has been appointed, the Office will send correspondence directly to the applicant, registrant or party to the proceeding.

(6) The Office will send correspondence to only one address.

(7) Once the Office has recognized a practitioner qualified under § 10.14 of this chapter as the representative of an applicant, registrant, or party to a proceeding, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. The Office will not conduct business directly with the applicant, registrant, or party to the proceeding, or with another practitioner from a different firm, unless the applicant, registrant, or party to the proceeding files a revocation of the power of attorney under § 2.19(a), and/or a new power of attorney that meets the requirements of § 2.17(c). A written request to change the correspondence address does not revoke a power of attorney.

(b) *Changing the correspondence address.* (1) If a physical or e-mail correspondence address changes, the applicant, registrant, or party to a proceeding must file a written request to change the correspondence address. The request should be promptly filed.

(2) A request to change the correspondence address must be made in writing, signed by the applicant, registrant, or party to a proceeding, someone with legal authority to bind the applicant, registrant, or party to the proceeding (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter , in accordance with proposed § 2.193(e)(2).

(3) If an applicant or registrant files a new power of attorney that meets the requirements of § 2.17(c), the Office will change the correspondence address to that of the practitioner named in the power.

(4) If a practitioner qualified under § 10.14 of this chapter transmits a document(s) on behalf of an applicant, registrant, or party to a proceeding who is not already represented by another qualified practitioner, the Office will construe this as including a request to change the correspondence address to that of the practitioner, and will send correspondence to the practitioner.

(c) *Post registration filings under sections 7, 8, 9, 15, and 71.* (1) Even if there is no new power of attorney or written request to change the correspondence address, the Office will change the correspondence address upon the examination of an affidavit of use or excusable nonuse under section 8 or 71 of the Trademark Act, affidavit or declaration of incontestability under section 15 of the Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act. If a practitioner qualified under § 10.14 of this chapter transmits the affidavit, renewal application, or section 7 request, the Office will send correspondence to the practitioner. If the owner of the registration is not represented by a qualified practitioner, the Office will send correspondence directly to the owner, or to the domestic representative, in accordance with paragraph (a).

(2) Once the Office establishes a correspondence address upon examination of an affidavit, renewal application or section 7 request, a written request to change the address in

accordance with the requirements of paragraph (b)(2) of this section is required to change the address during the pendency of that filing.

4. Revise § 2.19 to read as follows:

§ 2.19 Revocation or withdrawal of attorney.

(a) *Revocation*. (1) Authority to represent an applicant, registrant or party to a proceeding before the Office may be revoked at any stage in the proceedings of a trademark case, upon written notification signed by the applicant, registrant, or party to the proceeding, or by someone with legal authority to bind the applicant, registrant, or party (*e.g.*, a corporate officer or general partner of a partnership).

(2) When a power of attorney is revoked, the Office will communicate directly with the applicant, registrant, or party to the proceeding, or with the new attorney or domestic representative if one has been appointed.

(3) A request to change the correspondence address does not revoke a power of attorney.

(4) A new power of attorney that meets the requirements of § 2.17(c) will be treated as a revocation of the previous power.

(b) *Withdrawal of attorney*. If the requirements of § 10.40 of this chapter are met, a practitioner authorized to represent an applicant, registrant, or party to a proceeding in a trademark case may withdraw upon application to and approval by the Director. The practitioner should file the request to withdraw soon after the practitioner notifies the client of his/her intent to withdraw. The request must include the following:

(1) The application serial number, registration number, or proceeding number;

(2) A statement of the reason(s) for the request to withdraw; and

(3) Either (i) a statement that the practitioner has given notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office; that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable; that the practitioner has delivered to the client all documents and property in the practitioner's file concerning the application, registration or proceeding to which the client is entitled; and that the practitioner has notified the client of any responses that may be due, and of the deadline for response; or

(ii) if more than one attorney is of record, a statement that representation by co-counsel is ongoing.

5. Revise § 2.22(a)(11) to read as follows:

§ 2.22 Filing requirements for a TEAS Plus application.

(a) * * *

(11) A verified statement that meets the requirements of § 2.33, dated and signed by a person properly authorized to sign on behalf of the applicant pursuant to § 2.193(e)(1);

* * * * *

6. Revise § 2.23(a)(2) to read as follows:

§ 2.23 Additional requirements for TEAS Plus application.

(a) * * *

(2) Maintain a valid e-mail correspondence address and continue to receive communications from the Office by e-mail.

* * * * *

7. Revise § 2.24 to read as follows:

§ 2.24 Designation and revocation of domestic representative by foreign applicant.

(a)(1) If an applicant is not domiciled in the United States, the applicant may designate the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark by:

(i) setting forth the name of the domestic representative in the initial application; or

(ii) filing a separate designation signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter.

(2) If the applicant does not file a document designating the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, or if the last person designated cannot be found at the address given in the designation, then notices or process in proceedings affecting the mark may be served on the Director.

(3) The mere designation of a domestic representative does not authorize the person designated to represent the applicant unless qualified under § 10.14 of this chapter.

(b) A request to change or revoke a designation of domestic representative must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter.

8. Amend § 2.33 by revising paragraph (a) to read as follows, and removing paragraph (d):

§ 2.33 Verified statement.

(a) The application must include a statement that is signed in accordance with the requirements of § 2.193 and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant under § 2.193(e)(1).

* * * * *

9. Revise § 2.62 to read as follows:

§ 2.62 Procedure for filing response.

(a) *Deadline*. The applicant's response to an Office action must be received within six months from the date of issuance.

(b) *Signature*. The applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the response, in accordance with the requirements of § 2.193(e)(2).

10. Revise § 2.64(b) to read as follows:

§ 2.64 Final action.

* * * * *

(b) During the period between a final action and expiration of the time for filing an appeal, the applicant may request the examiner to reconsider the final action. The applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the request, in accordance with the requirements of § 2.193(e)(2). The filing of a request for reconsideration will not extend the time for filing an appeal or petitioning the Director, but normally the examiner will reply to a request for reconsideration before the end of the six-month period if the request is filed within three months after the date of the final action. The Office will enter amendments accompanying requests for reconsideration after final action if the amendments comply with the rules of practice in trademark cases and the Act of 1946.

11. Revise § 2.68 to read as follows:

§ 2.68 Express abandonment (withdrawal) of application.

(a) *Written document required*. An applicant may expressly abandon an application by filing a written request for abandonment or withdrawal of the application, signed by the applicant, someone with legal authority to bind the

applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter, in accordance with the requirements of § 2.193(e)(2).

(b) *Rights in the mark not affected.* Except as provided in § 2.135, the fact that an application has been expressly abandoned shall not, in any proceeding in the Office, affect any rights that the applicant may have in the mark in the abandoned application.

12. Amend § 2.74 by revising the heading and adding a new paragraph (c) to read as follows:

§ 2.74 Form and signature of amendment.

* * * * *

(c) The applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the request for amendment, in accordance with the requirements of § 2.193(e)(2). If the amendment requires verification, the verification must be sworn to or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant under § 2.193(e)(1).

13. Revise § 2.76(b)(1) introductory text to read as follows:

§ 2.76 Amendment to allege use.

* * * * *

(b) A complete amendment to allege use must include:

(1) A statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (see § 2.193(e)(1)) that:

* * * * *

14. Revise § 2.87(d) to read as follows:

§ 2.87 Dividing an application.

* * * * *

(d) The applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the request to divide, in accordance with the requirements of § 2.193(e)(2). The request should be made in a separate document from any other amendment or response in the application, and captioned as a ''Request to divide application.''

15. Revise § 2.88(b)(1) introductory text to read as follows:

§ 2.88 Filing statement of use after notice of allowance.

* * * * *

(b) A complete statement of use must include:

(1) A statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (see § 2.193(e)(1)) that:

* * * * *

16. Revise §§ 2.89(a)(3) and (b)(3) to read as follows:

§ 2.89 Extensions of time for filing a statement of use.

(a) * * *

(3) A statement that the applicant still has a bona fide intention to use the mark in commerce, specifying the relevant goods or services, signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (see § 2.193(e)(1)). If the verification is unsigned or signed by the wrong party, the applicant must submit a substitute verification within six months of the date of issuance of the notice of allowance.

(b) * * *

(3) A statement that the applicant still has a bona fide intention to use the mark in commerce, specifying the relevant goods or services, signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (see § 2.193(e)(1)). If the verification is unsigned or signed by the wrong party, the applicant must submit a substitute verification before the expiration of the previously granted extension; and

* * * * *

17. Revise § 2.146(c) to read as follows:

§ 2.146 Petitions to the Director.

* * * * *

(c) Every petition to the Director shall include a statement of the facts relevant to the petition, the points to be reviewed, the action or relief requested, and the fee required by § 2.6. Any brief in support of the petition shall be embodied in or accompany the petition. The petitioner, someone with legal authority to bind the petitioner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the petition, in accordance with the requirements of § 2.193(e)(2). When facts are to be proved on petition, the petitioner must submit proof in the form of affidavits or declarations in accordance with § 2.20, signed by someone with firsthand knowledge of the facts to be proved, and any exhibits.

* * * * *

18. Revise § 2.161(b) to read as follows:

§ 2.161 Requirements for a complete affidavit or declaration of continued use or excusable nonuse.

* * * * *

(b) Include a statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the owner under § 2.193(e)(1), attesting to the use or excusable nonuse of the mark within the period set forth in section 8 of the Act. The verified statement must be executed on or after the beginning of the filing period specified in § 2.160(a).

* * * * *

19. Revise § 2.163(b) to read as follows:

§ 2.163 Acknowledgment of receipt of affidavit or declaration, and response to Office action.

* * * * *

(b) The owner must file a response to a refusal within six months of the mailing date of the Office action, or before the end of the filing period set forth in section 8(a) or section 8(b) of the Act, whichever is later. The owner, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the response, in accordance with the requirements of § 2.193(e)(2). If no response is filed within this time period, the registration will be cancelled.

20. Amend § 2.167 by revising the introductory text and paragraph (a) to read as follows:

§ 2.167 Affidavit or declaration under Section 15.

The owner of a mark registered on the Principal Register or a mark registered under the Act of 1881 or 1905 and published under section 12(c) of the Act (§ 2.153) may file an affidavit or declaration of incontestability under section 15 of the Act. The affidavit or declaration must:

(a) Be verified (sworn to) or supported by a declaration under § 2.20, signed by the owner of the registration or a person properly authorized to sign on behalf of the owner under § 2.193(e)(1);

* * * * *

21. Revise § 2.171 to read as follows:

§ 2.171 New certificate on change of ownership.

(a) If the ownership of a registered mark changes, the new owner may request that a new certificate of registration be issued in the name of the new owner for the unexpired part of the original period. The assignment or other

document changing title must be recorded in the Office, and the request for the new certificate must include the fee required by § 2.6(a)(8). The owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the request.

(b) When ownership of a registration has changed with respect to some, but not all, of the goods and/or services, the owner(s) may file a request that the registration be divided into two or more separate registrations. The fee required by § 2.6(a)(8) must be paid for each new registration created by the division, and the change of ownership must be recorded in the Office. The owner, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the request.

22. Revise § 2.172 to read as follows:

§ 2.172 Surrender for cancellation.

Upon application by the owner, the Director may permit any registration to be surrendered for cancellation. The owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the application for surrender. When a registration has more than one class, one or more entire class(es) but fewer than the total number of classes may be surrendered. Deletion of fewer than all the goods or services in a single class constitutes amendment of registration as to that class (see § 2.173), not surrender.

23. Revise § 2.173(a) to read as follows:

§ 2.173 Amendment of registration.

(a) The owner of a registration may apply to amend a registration or to disclaim part of the mark in the registration. The owner must submit a written request specifying the amendment or disclaimer. If the registration is involved in an inter partes proceeding before the Trademark Trial and Appeal Board, the request must be filed by appropriate motion to the Board. The request must include the required fee, and be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter, and verified or supported by a declaration under § 2.20. If the amendment involves a change in the mark, the owner must submit a new specimen showing the mark as used on or in connection with the goods or services, and a new drawing of the amended mark. The registration as amended must still contain registrable matter, and the mark as amended must be registrable as a whole. An amendment or disclaimer must not materially alter the character of the mark.

* * * * *

24. Revise § 2.175(b)(2) to read as follows:

§ 2.175 Correction of mistake by owner of registration.

* * * * *

(b) * * *

(2) Be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter, and verified (sworn to) or supported by a declaration in accordance with § 2.20; and

* * * * *

25. Revise § 2.184(b) to read as follows:

§ 2.184 Refusal of renewal.

* * * * *

(b) A response to the refusal of renewal must be filed within six months of the mailing date of the Office action, or before the expiration date of the registration, whichever is later, or the registration will expire. The registrant, someone with legal authority to bind the registrant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the response, in accordance with the requirements of § 2.193(e)(2).

* * * * *

26. Revise § 2.193 to read as follows:

§ 2.193 Trademark correspondence and signature requirements.

(a) *Signature required.* Each piece of correspondence that requires a signature must bear:

(1) A handwritten signature personally signed in permanent ink by the person named as the signatory, or a true copy thereof; or

(2) An electronic signature that meets the requirements of paragraph (c) of this section, personally entered by the person named as the signatory. The Office will accept an electronic signature that meets the requirements of paragraph (c) of this section on correspondence filed on paper, by facsimile transmission (§ 2.195(c)), or through TEAS or ESTTA.

(b) *Copy of original signature.* If a copy, such as a photocopy or facsimile copy of an original signature is filed, the filer should retain the original as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(c) *Requirements for electronic signature.* A person signing a document electronically must:

(1) Personally enter any combination of letters, numbers, spaces and/or punctuation marks that he or she has adopted as a signature, placed between two forward slash (''/'') symbols in the signature block on the electronic submission; or

(2) Sign the verified statement using some other form of electronic signature specified by the Director.

(d) *Signatory must be identified.* The name of the person who signs a document in connection with a trademark application or registration must be set forth in printed or typed form immediately below or adjacent to the signature, or identified elsewhere in the filing (*e.g.*, in a cover letter or other document that accompanies the filing).

(e) *Proper person to sign.* Documents filed in connection with a trademark application or registration must be signed by a proper person. Unless otherwise specified by law, the following requirements apply:

(1) *Verification of facts.* A verification in support of an application for registration, amendment to an application for registration, allegation of use under § 2.76 or § 2.78, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 15 or 71 of the Trademark Act must be sworn to or supported by a declaration under § 2.20, signed by the applicant or registrant, or a person properly authorized to sign on behalf of the applicant or registrant. A person who is properly authorized to verify facts on behalf of an applicant or registrant is:

(i) A person with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership);

(ii) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant or registrant; or

(iii) An attorney as defined in § 10.1(c) of this chapter who has an actual written or verbal power of attorney or an implied power of attorney from the applicant or registrant.

(2) *Responses, amendments to applications, requests for express abandonment, requests for*

reconsideration of final actions, notices of change of address, requests to divide, and petitions under § 2.146. The applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign responses to Office actions, amendments to applications, requests for express abandonment, requests for reconsideration of final actions, notices of change of address, requests to divide, and petitions under § 2.146, in accordance with the following guidelines:

(i) If the applicant or registrant is represented by a practitioner authorized to practice before the Office under § 10.14 of this chapter, the practitioner must sign, except where correspondence is required to be signed by the applicant or registrant; or

(ii) If the applicant or registrant is not represented by a practitioner authorized to practice before the Office under § 10.14 of this chapter, the individual applicant or registrant, or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) must sign. In the case of joint applicants or joint registrants who are not represented by a practitioner authorized to practice before the Office under § 10.14 of this chapter, all must sign.

(3) *Powers of attorney and revocations of powers of attorney.* The individual applicant or registrant or someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership) must sign powers of attorney and revocations of powers of attorney. In the case of joint applicants or joint registrants, all must sign. Once the applicant or registrant has designated a qualified practitioner(s), the named practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to prosecute the application or registration. If the applicant or registrant revokes the original power of attorney, this revocation also discharges any associate power signed by the practitioner whose power has been revoked.

(4) *Petition to revive under § 2.66.* Someone with firsthand knowledge of the facts regarding unintentional delay must sign a petition to revive under § 2.66.

(5) *Renewal applications.* The registrant or the registrant's representative must sign a renewal application.

(6) *Requests for correction, amendment or surrender of registrations.* The owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner authorized to practice before the Office under § 10.14 of this chapter must sign a request for correction, amendment or surrender of a registration. In the case of joint owners who are not represented by a practitioner authorized to practice before the Office under § 10.14 of this chapter, all must sign.

(7) *Designations and revocations of domestic representative.* A designation or revocation of a domestic representative must be signed by the applicant or registrant, someone with legal authority to bind the applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter.

(8) *Cover letters.* The person transmitting documents to the Office may sign a cover letter or transmittal letter. The Office neither requires cover letters nor questions the authority of a person who signs a communication that merely transmits documents.

(f) *Signature as certification.* The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by any person, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b) of this chapter may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) of this chapter may also be subject to disciplinary action. *See* §§ 10.18(d) and 10.23(c)(15) of this chapter.

(g) *Separate copies for separate files.* (1) Since each file must be complete in itself, a separate copy of every document to be filed in connection with a trademark application, registration, or *inter partes* proceeding must be furnished for each file to which the document pertains, even though the contents of the documents filed in multiple files may be identical.

(2) Parties should not file duplicate copies of correspondence in a single application, registration, or proceeding file, unless the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence.

(h) *Separate documents for separate branches of the Office.* Since different branches or sections of the Office may consider different matters, each distinct subject, inquiry or order must be contained in a separate document to avoid confusion and delay in answering correspondence.

(i) *Certified documents required by statute.* When a statute requires that a document be certified, a copy or facsimile transmission of the certification is not acceptable.

Dated: June 4, 2008.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E8–12896 Filed 6–11–08; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 2, 3, 6 and 7

[Docket No. PTO–T–2005–0018]

RIN 0651–AB89

Miscellaneous Changes to Trademark Rules of Practice

AGENCY: United States Patent and Trademark Office, Commerce.

ACTIONS: Proposed rule.

SUMMARY: The United States Patent and Trademark Office (''Office'') proposes to amend the Trademark Rules of Practice to clarify certain requirements for applications, intent to use documents, amendments to classification, requests to divide, and Post Registration practice; to modernize the language of the rules; and to make other miscellaneous changes. For the most part, the proposed rule changes are intended to codify existing practice, as set forth in the *Trademark Manual of Examining Procedure* (''TMEP'').

DATES: Comments must be received by August 11, 2008 to ensure consideration.

ADDRESSES: The Office prefers that comments be submitted via electronic mail message to *TMRules@uspto.gov*. Written comments may also be submitted by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451, attention Mary Hannon; by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building-East Wing, 600 Dulany Street, Alexandria, Virginia, attention Mary Hannon; or by electronic mail message via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (*http://www.regulations.gov*) for additional instructions on providing

comments via the Federal eRulemaking Portal. The comments will be available for public inspection on the Office's Web site at *http://www.uspto.gov*, and will also be available at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT: Mary Hannon, Office of the Commissioner for Trademarks, by telephone at (571) 272–9569.

SUPPLEMENTARY INFORMATION: References below to ''the Act,'' ''the Trademark Act,'' or ''the statute'' refer to the Trademark Act of 1946, 15 U.S.C. 1051 *et seq.*, as amended. References to ''TMEP'' or *''Trademark Manual of Examining Procedure''* refer to the 5th edition, September 2007. References to the *Trademark Trial and Appeal Board Manual of Procedure* refer to the 2nd edition, Rev. 1, March 12, 2004.

Where appropriate, the Office proposes to reword or reorganize the rules for clarity, and to add headings to make it easier to navigate through the rules.

Applications for Registration

The Office proposes to amend § 2.21(a) to require that an application must be in the English language to receive a filing date.

The Office proposes to amend § 2.23(a)(2), which requires that a TEAS Plus applicant continue to receive communications from the Office by electronic mail during the pendency of the application, to add a requirement that a TEAS Plus applicant maintain a valid e-mail correspondence address in order to maintain TEAS Plus status. If the e-mail address changes, the applicant must notify the Office of the new e-mail address. If applicant chooses to receive correspondence on paper, applicant will have to pay the processing fee required by §§ 2.6(a)(1)(iv) and 2.23(b).

The Office proposes to amend § 2.32(a)(3)(iii) to indicate that the requirement for inclusion of the names and citizenship of the general partners in an application by a partnership applies only to domestic partnerships. Because the Office does not track the varying legal effects of partnership status in foreign countries, and the relevance of this additional information has not been established, this requirement does not apply to foreign partnerships. This is consistent with TMEP section 803.03(b).

The Office proposes to add new § 2.32(a)(3)(iv) to provide that if the applicant is a domestic joint venture, the application must include the names and citizenship of all active members of the joint venture. This is consistent with TMEP section 803.03(b).

The Office proposes to amend §§ 2.32(a)(7) and (a)(8) to change periods to semi-colons.

The Office proposes to add new § 2.32(a)(9), providing that if a mark includes non-English wording, the applicant must submit an English translation of that wording; and new § 2.32(a)(10), providing that if the mark includes non-Latin characters, the applicant must submit a transliteration of those characters and either a translation of the corresponding non-English word(s) or a statement that the transliterated term has no meaning in English. This is consistent with the long-standing practice of the Office. TMEP sections 809 *et seq.*

The Office proposes to amend § 2.33(b)(1) to remove the requirement that an application include a verified statement that the applicant ''has adopted'' the mark. This language is not required by statute and is deemed unnecessary.

The Office proposes to amend §§ 2.34(a)(1)(i), (a)(2), (a)(3)(i), and (a)(4)(ii) to change ''must allege'' to ''must also allege.'' This makes it clear that the requirement for an allegation of current use or bona fide intention to use the mark in commerce, applies to verifications filed after the application filing date.

The Office proposes to add new § 2.34(a)(1)(v) to provide that if more than one item of goods or services is specified in a section 1(a) application, the dates of use need be for only one of the items specified in each class, provided that the particular item to which the dates apply is designated. This requirement for section 1(a) applications previously appeared in § 2.33(a)(2), but was inadvertently removed effective October 30, 1999, by the final rule published at 64 FR 48900 (Sept. 8, 1999). This requirement is consistent with the requirements for allegations of use under §§ 2.76(c) and 2.88(c).

The Office proposes to amend §§ 2.44(b) and 2.45(b), which pertain to collective and certification marks, to add a reference to section 66(a) applications. This corrects an oversight.

The Office proposes to amend § 2.47(a) to remove the requirement for a specific allegation that a mark has been in ''lawful'' use in commerce in an application for registration on the Supplemental Register. Because the definition of ''commerce'' in section 45 of the Trademark Act is ''all commerce which may lawfully be regulated by Congress,'' the Office presumes that an applicant who alleges that ''the mark is in use in commerce,'' is claiming lawful use. The Office generally questions the lawfulness of the alleged use in commerce only where the record shows a clear violation of law, such as the sale or transportation of a controlled substance. TMEP section 907.

The Office proposes to add new § 2.48 to provide that the Office does not issue duplicate registrations. If two applications on the same register would result in registrations that are exact duplicates, the Office will permit only one application to mature into registration, and will refuse registration in the other application. This codifies the long-standing practice of the Office. TMEP section 703. The Office will normally refuse registration in the later-filed application. The applicant may overcome the refusal by abandoning the earlier-filed application or surrendering the registration.

The Office proposes to amend § 2.52(b) to provide that special form drawings of marks that do not include color ''should'' show the mark in black on a white background, rather than that the drawing ''must'' show the mark in black on a white background. This gives examining attorneys discretion to accept a drawing that shows the mark in white on a black background, if this will more accurately depict the mark.

The Office proposes to amend § 2.52(b)(1) to change the heading ''Color marks'' to ''Marks that include color.'' This corrects an error. Color marks are marks that consist *solely* of one or more colors used on particular objects, and § 2.52(b)(1) applies to all marks that include color.

The Office proposes to amend § 2.53(a) to remove the reference to submission of a digitized image of a standard character mark as a drawing in an application filed via the Trademark Electronic Application System (''TEAS''). This is no longer an option. An applicant who wants to apply for a standard character mark through TEAS must enter the mark in the appropriate field on the TEAS form, and check the box to claim that the mark consists of standard characters. TEAS generates the drawing. The Office also proposes to combine §§ 2.53(a)(1) and (2), because the requirements for standard character drawings in TEAS and TEAS Plus applications are now the same.

The Office proposes to amend § 2.56(b)(1) to add a reference to ''displays associated with the goods.'' This makes the rule consistent with the definition of ''use in commerce'' in section 45 of the Act.

The Office proposes to amend § 2.56(d)(2) to add a provision that

where an applicant files a paper specimen that exceeds the size requirements of paragraph (d)(1), and the Office creates a digital facsimile copy of the specimen, the Office will destroy the original bulky specimen. This is consistent with current practice. TMEP section 904.02(b).

The Office proposes to amend § 2.56(d)(4) to provide that specimens filed through TEAS may be in .pdf format. This provides TEAS filers with an additional option for filing specimens, and is consistent with current practice.

The Office proposes to amend § 2.62 and its heading to add a requirement that a response to an Office action be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 (''qualified practitioner''). This is consistent with TMEP section 712.01.

The Office proposes to amend § 2.64(c)(1) to state that the filing of an amendment to allege use does not extend the deadline for filing a response to an outstanding Office action, appeal to the Trademark Trial and Appeal Board, or petition to the Director. This is consistent with current practice. TMEP section 1104.

The Office proposes to amend § 2.65(a) to add a reference to a notice of appeal as a response that avoids abandonment of an application. This is consistent with section 12(b) of the Act.

The Office proposes to revise § 2.73 to provide that only an application that includes section 1(a) of the Trademark Act as a filing basis, or for which an acceptable allegation of use under § 2.76 or § 2.88 has been filed, may be amended to seek concurrent use registration. The rule currently provides that applications under section 44 or section 66(a) of the Act may be amended to recite concurrent use. However, because section 2(d) of the Act requires concurrent lawful use in commerce by the parties to a concurrent use proceeding, the Office deems it inappropriate to allow amendment to seek concurrent use absent allegations and evidence of use in commerce. The Office also proposes to add a statement to § 2.99(g) that applications based solely on section 44 or section 66(a) are not subject to concurrent use registration proceedings.

The Office proposes to revise § 2.74 to modernize the language, and to add a provision that an amendment to an application must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner. This is consistent with TMEP section 605.02.

Intent To Use

The Office proposes to amend § 2.76(d) to provide that an amendment to allege use (''AAU'') should be captioned ''Allegation of Use'' rather than ''amendment to allege use.'' This is consistent with the language on the Office's TEAS form. The term ''allegation of use'' encompasses both AAUs under § 2.76 and statements of use (''SOUs'') under § 2.88. The principal difference between AAUs and SOUs is the time of filing, and the same TEAS form is used for both filings. The proposed rule merely sets forth the preferred title. The Office will still accept documents titled ''amendment to allege use'' or ''statement of use.''

The Office proposes to amend § 2.77 to add a provision that amendments deleting a basis in a multiple-basis application, notices of change of attorney, and notices of change of address can be entered in a section 1(b) application during the period between the issuance of the notice of allowance and the submission of a statement of use. This is consistent with current practice. TMEP section 1107.

The Office proposes to amend § 2.88(b)(1)(ii) to make it clearer that the dates of use specified in a statement of use must pertain to the goods or services identified in the notice of allowance.

The Office proposes to amend § 2.88(b)(3) to provide that the applicant must pay a filing fee sufficient to cover at least one class within the statutory time for filing the statement of use, or the application will be abandoned. If the applicant submits a fee insufficient to cover all the classes in a multiple-class application, the applicant must specify the classes to be abandoned. If the applicant submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to which the fee applies, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining classes, or specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid to the lowest numbered class(es) in ascending order, and will delete the goods/services in the higher class(es) from the application. This is consistent with current practice.

The Office proposes to amend § 2.88(d) to provide that an SOU should be captioned ''Allegation of Use'' rather than ''statement of use.'' This is consistent with the proposed amendment to § 2.76(d), discussed above.

The Office proposes to amend § 2.88(i)(2) to remove the provision that if any goods or services specified in the notice of allowance are omitted from the identification of goods or services in the SOU, the examining attorney will inquire about the discrepancy and permit the applicant to reinsert the omitted goods/services, and substitute a provision that the Office will delete the omitted goods/services from the application and will not permit the applicant to reinsert them. Currently, if goods/services identified in the application are omitted from a paper SOU, but the applicant has not indicated an intention to delete those goods/services from the application or filed a request to divide the application, the examining attorney will contact the applicant to confirm that the applicant intends to delete the omitted goods/services, and will permit the applicant to amend the SOU to claim use on or in connection with the omitted goods/services. However, when an SOU is filed electronically, the TEAS form requires the applicant to expressly indicate an intention to delete a class, or to delete goods/services within a class. Therefore, if any of the goods/services identified in the application do not appear in the identification of goods/services in a TEAS SOU, the examining attorney does not inquire about the discrepancy and the applicant may not reinsert the omitted goods/services. TMEP section 1109.13. There have been cases in which these inquiries concerning paper SOUs caused unnecessary delay in applications after the applicant intentionally omitted goods/services. Therefore, the Office is changing its practice with paper SOUs, and will discontinue issuing inquiries about omitted goods/services. Under the proposed rule, the practice with paper SOUs would be consistent with the current practice for electronically filed SOUs. Applicants are responsible for setting forth (or incorporating by reference) the goods/services on or in connection with which the mark is in use. This is consistent with the Office's long-standing practice with respect to requests for extensions of time to file a statement of use, set forth in § 2.89(f).

The Office proposes to revise §§ 2.89(a)(2) and (b)(2) to add a provision that if an applicant timely submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not

specified the class(es) to which the fee applies, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining classes, or specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid to the lowest numbered class(es) in ascending order, and will delete the goods/services in the higher class(es) from the application. This is consistent with current practice. TMEP section 1108.02(c).

Amendments to Classification

The Office proposes to amend § 2.85(a) to add a reference to amendments to adopt international classification.

The Office proposes to combine §§ 2.85(b) and (c), pertaining to the United States classification, and to add a reference to amendments to adopt international classification.

The Office proposes to redesignate § 2.85(f), pertaining to certification marks and collective membership marks, as § 2.85(c), and to add a statement that the classes set forth in §§ 6.3 and 6.4 do not apply to applications based on section 66(a) of the Trademark Act and registered extensions of protection. This is consistent with current practice. TMEP section 1904.02(b). Classes A, B, & 200 are classes from the old United States classification system that are still used in the United States to classify certification and collective membership marks, but are not included in the international classes under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (''Nice Agreement''). Therefore, they do not apply to section 66(a) applications and registered extensions of protection, in which classification is determined by the International Bureau of the World Intellectual Property Organization (''IB''). The Office proposes to make conforming amendments to §§ 6.3 and 6.4, indicating that these sections apply only to applications based on sections 1 and 44 of the Trademark Act and registrations resulting from such applications.

The Office proposes to redesignate § 2.85(d), which now provides that renewals filed on registrations issued under a prior classification system will be processed on the basis of that system, as § 2.183(f), and amend it to add an exception for registrations that have been amended to adopt international classification pursuant to § 2.85(e)(3).

Proposed § 2.85(d) provides that in an application under section 66(a) of the Act or registered extension of protection, the classification cannot be changed from the classification assigned by the IB; classes cannot be added; and goods or services cannot be transferred from one class to another in a multiple-class application. This is consistent with current practice. TMEP sections 1401.03(d) and 1904.02(b). Under Article 3(2) of the Madrid Protocol, the IB controls classification. A section 66(a) application and any resulting registration remains part of the international registration, and a change of classification in the United States would have no effect on the international registration.

The Office proposes to remove § 2.85(e), which now pertains to appeal and renewal fee deficiencies in multiple-class applications and registrations, and move the provisions on appeal fees to § 2.141(b). Procedures for processing renewal fee deficiencies in multiple-class registrations are already covered in § 2.183(e).

Proposed § 2.85(e) provides for changes in classification pursuant to the Nice Agreement. The international classification changes periodically, and these changes are listed in the *International Classification of Goods and Services for the Purposes of the Registration of Marks*, which is published by the World Intellectual Property Organization. The Nice Agreement edition currently in effect is the 9th edition, 2006, which became effective January 1, 2007.

Proposed § 2.85(e)(1) provides that when international classification changes, the new requirements apply only to applications filed on or after the effective date of the change.

Proposed § 2.85(e)(2) provides that in section 1 and 44 applications filed before the effective date of a change in classification, and registrations resulting from such applications, the applicant or registrant may reclassify the goods or services in accordance with the current edition, upon payment of the required fees. Proposed § 2.85(e)(3) sets forth the requirements for amendment of a pending application, and proposed § 2.85(e)(4) sets forth the requirements for amendment of a registration to reclassify the goods or services in accordance with the current edition of the Nice Agreement. This is consistent with current practice, set forth in TMEP sections 1401.11 and 1609.04.

The Office proposes to redesignate § 2.85(g), which provides that classification schedules shall not limit or extend the applicant's rights, as § 2.85(f), and amend it to note an exception that in section 66(a) applications, the scope of the identification of goods or services for purposes of permissible amendments is limited by the class, because the classification assigned by the IB cannot be changed. This is consistent with TMEP section 1402.07(a).

Requests To Divide

The Office proposes to break the current § 2.87(c) into subsections 2.87(c)(1) and (c)(2).

The Office proposes to add new § 2.87(c)(3) to provide that an applicant may file a request to divide out one or more bases of a multiple-basis application during the period between the issuance of the notice of allowance under section 13(b)(2) of the Act and the filing of a statement of use under § 2.88. This is consistent with current practice.

The Office proposes to add § 2.87(e) to provide that any outstanding time period for action by the applicant in the original application at the time of the division will be applicable to each new separate application created by the division. This provision appeared in § 2.87(a) when the rule was first enacted in 1989, but was inadvertently removed when the rules were amended to adjust application filing fees on January 19, 2005. See notices at 54 FR 37562 (Sept. 11, 1989) and 70 FR 2952 (Jan. 19, 2005). The Office proposes to add certain specified exceptions, consistent with current practice, as set forth in TMEP sections 1110.04 and 1110.05.

The Office proposes to add new § 2.87(f) to add a requirement that a request to divide be signed by the applicant, someone with legal authority to bind the applicant (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner. This is consistent with TMEP section 1110.

The Office proposes to add new § 2.87(g), setting forth the procedures for division of a section 66(a) application after a change in ownership with respect to some, but not all, of the goods or services. This incorporates existing practice, set forth in TMEP section 1110.08.

The Office proposes to add § 2.171(b)(2), providing for division of registered extensions of protection upon notification by the IB that ownership of an international registration has changed with respect to some, but not all, of the goods or services. This reflects current practice. TMEP section 1615.02.

Post Registration

The Office proposes to amend § 2.153 to remove the requirement for specification of the type of commerce in

an affidavit claiming the benefits of section 12(c) of the Trademark Act of 1946 for a registration issued under the Trademark Acts of 1881 or 1905. Because the definition of ''commerce'' in section 45 of the Act is ''all commerce which may lawfully be regulated by Congress,'' the Office presumes that a registrant who alleges that the mark is in use in commerce is alleging that the mark is in use in a type of commerce that Congress can regulate. The Office amended the Trademark Rules of Practice to remove the requirement for a specification of the type of commerce in applications for registration under section 1(a) of the Act, allegations of use in applications under section 1(b) of the Act, and affidavits under sections 8 and 15 of the Act, effective October 30, 1999 (*see* notice at 64 FR 48900 (Sept. 8, 1999)), but inadvertently overlooked § 2.153.

The Office proposes to amend the center heading immediately after § 2.158 to delete the wording ''DURING SIXTH YEAR.'' This corrects an oversight. The heading covers rules pertaining to affidavits or declarations under section 8 of the Act (''section 8 affidavits''). Effective October 30, 1999, such affidavits must be filed every tenth year after registration as well as during the sixth year.

The Office proposes to amend § 2.161(g)(3) to provide that specimens filed through TEAS may be in .pdf format. This provides TEAS filers with an additional option for filing specimens, and is consistent with current practice.

The Office proposes to amend § 2.163(b) to provide that a registration will be cancelled for failure to respond to an Office action issued in connection with a section 8 affidavit only if there is no time remaining in the grace period under section 8(c)(1) of the Act. This corrects an oversight in the current rule. It would be inappropriate to cancel a registration under section 8 before expiration of the grace period. If there is time remaining in the grace period, the owner may file a complete new affidavit.

The Office proposes to amend § 2.167 to provide that an affidavit or declaration of incontestability under section 15 of the Trademark Act must be filed in the name of the owner of the registration, and verified by the owner or a person properly authorized to sign on behalf of the owner (§ 2.161(b)). This is consistent with TMEP section 1605.04.

The Office proposes to amend § 2.171(a) to remove the requirement that a request for a new certificate of registration upon change of ownership include the original certificate of registration. This is consistent with current practice, and with Office practice in connection with requests to amend or correct registrations under section 7 of the Trademark Act. *See* notice at 69 FR 51362 (Aug. 29, 2004), removing the requirement that the original certificate be included with a section 7 request.

The Office further proposes to add a statement to § 2.171(a) that in a registered extension of protection, the assignment must be recorded with the IB before it can be recorded in the Office. This is consistent with current § 7.22.

The Office proposes to redesignate § 2.171(b) as (b)(1), and amend it to indicate that it applies only to registrations resulting from applications based on section 1 or 44 of the Act.

The Office proposes to add § 2.171(b)(2), providing for division of registered extensions of protection upon notification by the IB that ownership of an international registration has changed with respect to some, but not all, of the goods or services. This reflects current practice. TMEP section 1615.02.

The Office proposes to reorganize § 2.173, pertaining to amendment of registrations. The current paragraph (a) is broken into proposed paragraphs (a) through (d).

Proposed § 2.173(a) provides that the owner of a registration may file a written request to amend a registration or to disclaim part of the mark in the registration; and that if the registration is involved in an inter partes proceeding before the Trademark Trial and Appeal Board (''TTAB''), the request must be filed by appropriate motion to the Board. This is consistent with the current § 2.173(a) and TMEP section 1609.01(b).

The current paragraph (b) is broken into proposed paragraphs (e) and (g).

Proposed § 2.173(b) sets forth the requirements for the request for amendment.

Proposed § 2.173(b)(2) requires that the request be filed by the owner and signed by the owner, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner. The requirement for filing in the name of the owner is consistent with current practice. However, the requirement for signature by someone with legal authority to bind the owner or by a qualified practitioner changes current practice slightly. TMEP section 1609.01(b) now permits signature by a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner, which could include someone without legal authority to bind the owner. The Office believes that the better practice would be to require that a request to amend a registration be signed by someone with legal authority to bind the owner or by a qualified practitioner.

Proposed § 2.173(b)(3) provides that an amendment to change the mark include: A specimen showing the mark as used on or in connection with the goods or services; an affidavit or a declaration under § 2.20 stating that the specimen was in use in commerce at least as early as the filing date of the amendment; and a new drawing of the amended mark. This is consistent with current § 2.173(a) and TMEP section 1609.02(c).

Proposed § 2.173(c) provides that the registration must still contain registrable matter, and proposed § 2.173(d) provides that the amendment may not materially alter the mark. This is consistent with current § 2.173(a).

Proposed § 2.173(e) provides that no amendment to the identification of goods or services in a registration will be permitted, except to restrict the identification or change it in ways that would not require republication of the mark. This is consistent with current § 2.173(b).

The Office proposes to add new § 2.173(f) to provide that if the registration includes a disclaimer, description of the mark, or miscellaneous statement, any amendment must include a request to make any necessary conforming amendments to the disclaimer, description, or other miscellaneous statements. For example, if the mark is XYZ INC., with a disclaimer of the entity designator ''INC.,'' and the owner of the registration proposes to amend the mark to remove ''INC.,'' the proposed amendment should also request that the disclaimer be deleted. If an amendment is filed that does not include all necessary conforming amendments, the examiner will issue an Office action requiring the amendments.

Proposed § 2.173(g) provides that an amendment seeking the elimination of a disclaimer will not be permitted, unless deletion of the disclaimed portion of the mark is also sought. The proposed rule provides an exception to the general prohibition against amendments to delete disclaimers, currently set forth in § 2.173(b), in the limited situation where the mark is amended to delete the disclaimer.

The Office proposes to amend § 2.175(b)(2) to require that a request to correct the owner's error in a registration be filed by the owner and signed by the owner, someone with

legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner. This is consistent with proposed § 2.173(b)(2), discussed above.

The Office proposes to redesignate § 2.184(b) as § 2.184(b)(1), and amend it to provide that a registration will expire for failure to respond to an Office action issued in connection with a renewal application only if there is no time remaining in the grace period under section 9(a) of the Act. This corrects an oversight in the current rule. It would be inappropriate to cancel a registration for failure to renew prior to expiration of the renewal grace period. If there is time remaining in the grace period, the registrant may file a complete new renewal application.

The Office proposes to add new § 2.183(f) to provide that applications for renewal of registrations issued under a prior classification system will be processed on the basis of that system, except where the registration has been amended to adopt international classification. The provision that applications for renewal of registrations issued under a prior classification system are processed on the basis of that system is currently set forth in § 2.85(d). The reference to amendment of classification is consistent with proposed § 2.85(e)(3), discussed above.

The Office proposes to add § 2.184(b)(2), requiring that a response to an Office action issued in connection with a renewal application be signed by the registrant, someone with legal authority to bind the registrant (*e.g.*, a corporate officer or general partner of a partnership), or a qualified practitioner. This is consistent with TMEP section 1606.12.

Madrid Protocol

The Office proposes to amend § 7.11(a)(2) to provide that the applicant's entity in an application for international registration must be identical to the entity listed as owner of the basic application or registration. This is consistent with current practice. TMEP section 1902.02(c). Under section 61(a) of the Trademark Act, only the owner of the basic application or registration can file an international application.

The Office proposes to amend the last sentence of § 7.14(e) to change ''submitted to'' to ''received in,'' for clarity.

The Office proposes to amend § 7.25(a) to remove §§ 2.175 and 2.197 from the list of rules in part 2 that do not apply to an extension of protection of an international registration to the United States. Section 2.175 pertains to correction of mistakes by a registrant. Generally, all requests to record changes to an international registration must be filed at the IB, because an extension of protection of an international registration remains part of the international registration even after registration in the United States. However, in the limited circumstance where the holder of an international registration makes a mistake in a document filed during prosecution in the Office that affects only the extension of protection to the United States, the registrant may request correction of the error pursuant to § 2.175. For example, if there were a minor typographical error in an amendment to the identification of goods in a section 66(a) application, and the mark registered, the owner of the registration could request correction under § 2.175. If the Office grants the request, the Office will notify the IB of the change to the extension of protection to the United States.

Section § 2.197 provides a ''certificate of mailing or transmission'' procedure to avoid lateness due to mail delay. This procedure may currently be used by section 66(a) applicants during prosecution of applications. The procedure may also be available to owners of registered extensions of protection who file affidavits of use or excusable nonuse under section 71 of the Trademark Act. Therefore, its inclusion in § 7.25(a) was an error. Under §§ 2.197(a)(2)(ii) and 7.4(e), the certificate of mailing or transmission procedure remains inapplicable to international applications under § 7.11, responses to notices of irregularity under § 7.14, subsequent designations under § 7.21, requests to record changes of ownership under § 7.23, requests to record restrictions of the holder's right of disposal (or the release of such restrictions) under § 7.24, and requests for transformation under § 7.31. **Note:** *On February 29, 2008, the Office published a notice of proposed rulemaking that would prohibit the use of certificates of mailing or transmission for certain specified documents for which an electronic form is available in the Trademark Electronic Application System (''TEAS''). See notice at 73 FR 11079. The Office is currently reviewing the comments received in response to this proposal.*

Assignment Cover Sheet

The Office proposes to amend § 3.31 to add a new paragraph (a)(8), requiring that a cover sheet submitted with a request to record a change of ownership of a trademark application or registration must include the citizenship of the party receiving the interest; and that if the party receiving the interest is a domestic partnership or domestic joint venture, the cover sheet must include the names, legal entities, and national citizenship (or state or country of organization) of all general partners or active members that compose the partnership or joint venture. Currently, § 3.31(f) provides that the cover sheet ''should'' include this information, but the Office proposes to make it mandatory. This will allow for more efficient processing of trademark applications and registrations.

The applicant's entity and citizenship is required in an application for registration under § 2.32(a)(3)(iii) and must be submitted before the Office can issue a registration certificate in the name of the new owner. It is also required when the new owner of a registration wants to change ownership in the trademark database and/or obtain a new certificate of registration in the name of the new owner. Requiring the information whenever a change of ownership is recorded will eliminate the need for the examining attorney or the Post Registration examiner to issue an Office action requiring that it be submitted, which can cause substantial delay. Furthermore, in many cases, having complete information about the receiving party will ensure that the trademark database is automatically updated at the time of recordation or shortly thereafter. See TMEP sections 504 et seq. regarding automatic updating of the trademark database upon recordation of a change of ownership. This will often ensure that the original certificate of registration issues in the name of the new owner.

References to ''Paper''

The Office proposes to amend §§ 2.6(b)(6), 2.21(b), 2.21(c), 2.27(d), 2.87(d), 2.146(e)(1), 2.146(e)(2), and 2.146(i) to delete references to ''papers'' and substitute ''documents'' where appropriate, in order to encompass documents filed or issued electronically.

The Office proposes to amend §§ 2.6(a)(19), 2.6(b)(3), and 2.56(d)(2) to delete references to ''file wrapper'' and substitute ''record'' or ''official record.'' The Office now maintains electronic records of applications and registrations.

The Office proposes to amend §§ 2.62, 2.65(a), 2.66(a)(1), 2.66(d), 2.66(f)(1), 2.81(b), 2.89(a), 2.89(a)(3), 2.89(g), 2.93, 2.99(d)(2), 2.146(d), 2.146(e)(1), 2.146(e)(2), 2.146(j)(1), 2.163(b), 2.165(b), 2.176, 2.184(b), 2.186(b), 7.39(b) and 7.40(b) to change references to ''mailing'' to ''issuance,'' to encompass Office actions and

communications that are issued electronically.

The Office proposes to amend § 2.81(b) to remove the sentence stating that ''The mailing date that appears on the notice of allowance will be the issue date of the notice of allowance,'' because it is unnecessary. The rule already states that the notice of allowance will include the issue date.

The Office proposes to amend §§ 2.84(b), 2.173, 2.174, and 2.175 to delete references to ''printed,'' and substitute ''issued'' where appropriate, in order to encompass documents issued electronically.

The Office proposes to amend §§ 2.87(d), 2.146(e)(i), and 2.146(i) to delete references to ''paper'' and to substitute ''document,'' to encompass documents filed through TEAS.

The Office proposes to remove the references in § 2.173(c), 2.174, and 2.175(c) to printed copies of amendments and corrections under section 7 of the Act.

Appeal Fees

The Office proposes to reorganize § 2.141 to move the provisions pertaining to appeal fees, some of which were previously set forth in § 2.85(e), to § 2.141(b). The proposed rule is consistent with current practice, set forth in *Trademark Trial and Appeal Board Manual of Procedure* section 1202.04.

Other Changes

The Office proposes to amend §§ 2.6(a)(12) and (13), 2.38(b), 2.41(a), 2.44(a) and (b), 2.46, 2.47, 2.61(a), 2.64(c)(1), 2.65(c), 2.75(a) and (b), 2.81(a) and (b), 2.85(b), 2.88(a), 2.99(g), 2.146(b), and 2.167, to replace section symbols with the word ''section.'' This is consistent with references to the statute in other rules, and with the format recommended in the *Federal Register Document Drafting Handbook*, National Archives and Records Administration, Office of the **Federal Register** (Oct. 1998). Section symbols are used in rules and **Federal Register** notices only to refer to other sections of the CFR.

The Office proposes to amend § 2.6(a)(8) to delete ''assignee'' and substitute ''registrant.'' This makes it clear that any registrant can request a new certificate of registration, upon payment of the required fee.

The Office proposes to revise § 2.25 to provide that documents filed in the Office by the applicant or registrant become part of the official record and will not be returned or removed. The rule currently provides only for applications, and the Office proposes to revise it to encompass all documents filed in connection with an application or registration. This is consistent with current practice. *See* TMEP section 404. The Office proposes to make an exception for documents ordered to be filed under seal pursuant to a protective order issued by a court or by the TTAB.

The Office proposes to remove § 2.26, which provides that a drawing from an abandoned application may be transferred to and used in a new application, if the file has not been destroyed. This rule is no longer in use and is deemed unnecessary.

The Office proposes to amend § 2.32(a)(6) to delete the word ''and'' after the semicolon, and to amend § 2.32(a)(7) to change a period to a semicolon.

The Office proposes to amend § 2.86(a)(2) to delete the period and substitute a semicolon, followed by the word ''and'' (''; and'').

The Office proposes to amend § 2.146(c) to add a provision that a petition to the Director be signed by the petitioner, someone with legal authority to bind the petitioner (e.g., a corporate officer or general partner of a partnership), or a qualified practitioner. The proposed rule further provides that when facts are to be proved on petition, the petitioner must submit proof in the form of affidavits or declarations in accordance with § 2.20, signed by someone with firsthand knowledge of the facts to be proved. This is consistent with TMEP sections 1705.03 and 1705.07.

The Office proposes to amend § 2.195(b) to delete the phrase, ''In addition to being mailed,'' because it is unnecessary.

The Office proposes to amend § 2.195(e) to clarify the procedures for filing a petition to the Director to consider correspondence filed on the date of attempted filing by Express Mail during a postal service interruption or emergency within the meaning of 35 U.S.C. 21(a). Proposed § 2.195(e)(1) provides that a person who attempted to file correspondence by Express Mail, but was unable to deposit the correspondence with the United States Postal Service due to the interruption or emergency, may petition the Director to consider the correspondence to have been filed on the date of attempted filing. Proposed § 2.195(e)(2) sets forth the requirements for the petition. Proposed § 2.195(e)(3) notes that this procedure does not apply to correspondence that is excluded from the Express Mail procedure pursuant to § 2.198(a)(1). This is consistent with current practice.

Rule Making Requirements

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

Administrative Procedure Act: This rule merely involves rules of agency practice and procedure within the meaning of 5 U.S.C. 553(b)(A). Therefore, this rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d). However, the Office has chosen to seek public comment before implementing the rule.

Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

The proposed rules clarify certain requirements for trademark applications and other trademark-related documents, modernize the language of the rules, and make some other miscellaneous procedural changes. In large part, the proposed rule changes are intended to codify existing practice. Although the proposed rules may affect any trademark applicant or registrant, because they would merely codify the existing practice of the Office, or concern relatively minor procedural matters, the changes proposed in this notice will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates: The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This rule would have no such effect on State, local, and tribal governments or the private sector.

Executive Order 13132: This rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Paperwork Reduction Act: This proposed rule involves information collection requirements which are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information in this proposed rule have been reviewed and previously approved

by OMB under control numbers 0651–0009, 0651–0050, 0651–0051, 0651–0054, 0651–0055, and 0651–0056.

The United States Patent and Trademark Office is not resubmitting any information collection package to OMB for its review and approval because the changes in this proposed rule would not affect the information collection requirements associated with the information collections under the OMB control numbers listed above. The changes in this notice are limited to amending the rules of practice to simplify and clarify the requirements for amendments to applications and registrations, reword and reorganize the rules for clarity purposes, and codify current practices and procedures.

Interested persons are requested to send comments regarding these information collections, including suggestions for reduction of this burden to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Patent and Trademark Office; and (2) Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451 (Attn: Mary Hannon).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 2

Administrative practice and procedure, Trademarks.

37 CFR Part 3

Administrative practice and procedure, Trademarks.

37 CFR Part 6

Administrative practice and procedure, Trademarks, Classification.

37 CFR Part 7

Administrative practice and procedure, Trademarks, International Registration.

For the reasons given in the preamble and under the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 2, as amended, the Office proposes to amend parts 2, 3, 6, and 7 of title 37 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

2. Revise §§ 2.6(a)(8), (12), (13) and (19), and §§ 2.6(b)(3) and (6) to read as follows:

§ 2.6 Trademark fees.

* * * * *

(a) * * *

(8) For issuing a new certificate of registration upon request of registrant—$100.00.

* * * * *

(12) For filing an affidavit under section 8 of the Act, per class—$100.00.

(13) For filing an affidavit under section 15 of the Act, per class—$200.00.

* * * * *

(19) Dividing an application, per new application created—$100.00.

* * * * *

(b) * * *

(3) Certified or uncertified copy of a trademark-related official record—$50.00.

* * * * *

(6) For recording each trademark assignment, agreement or other document relating to the property in a registration or application.

* * * * *

3. Revise paragraphs 2.21(a) introductory text, (b), and (c) to read as follows:

§ 2.21 Requirements for receiving a filing date.

(a) The Office will grant a filing date to an application under section 1 or section 44 of the Act that is in the English language and contains all of the following:

* * * * *

(b) If the applicant does not submit all the elements required in paragraph (a) of this section, the Office will deny a filing date and issue a notice explaining why the filing date was denied.

(c) If the application was filed on paper, the applicant may correct and resubmit the application and fee. If the resubmitted papers and fee meet all the requirements of paragraph (a) of this section, the Office will grant a filing date as of the date the Office receives the corrected document.

4. Revise § 2.23(a)(2) to read as follows:

§ 2.23 Additional requirements for TEAS Plus application.

(a) * * *

(2) Maintain a valid e-mail correspondence address, and continue to receive communications from the Office by electronic mail.

* * * * *

5. Revise § 2.25 to read as follows:

§ 2.25 Documents not returnable.

Except as provided in § 2.27(e), documents filed in the Office by the applicant or registrant become part of the official record and will not be returned or removed.

6. Remove § 2.26.

7. Revise § 2.27(d) to read as follows:

§ 2.27 Pending trademark application index; access to applications.

* * * * *

(d) Except as provided in paragraph (e) of this section, the official records of applications and all proceedings relating thereto are available for public inspection and copies of the documents may be furnished upon payment of the fee required by § 2.6.

* * * * *

8. Revise §§ 2.32(a)(3)(iii), (a)(6), (a)(7), and (a)(8), and add new §§ 2.32(a)(3)(iv), 2.32(a)(9), and (10) to read as follows:

§ 2.32 Requirements for a complete application.

(a) * * *

(3) * * *

(iii) If the applicant is a domestic partnership, the names and citizenship of the general partners;

(iv) If the applicant is a domestic joint venture, the names and citizenship of the active members of the joint venture;

* * * * *

(6) A list of the particular goods or services on or in connection with which the applicant uses or intends to use the mark. In a United States application filed under section 44 of the Act, the scope of the goods and/or services covered by the section 44 basis may not exceed the scope of the goods and/or services in the foreign application or registration;

(7) The international class of goods or services, if known. See § 6.1 of this chapter for a list of the international classes of goods and services;

(8) If the mark is not in standard characters, a description of the mark;

(9) If the mark includes non-English wording, an English translation of that wording; and

(10) If the mark includes non-Latin characters, a transliteration of those characters, and either a translation of the transliterated term in English, or a statement that the transliterated term has no meaning in English.

* * * * *

9. Revise § 2.33(b)(1) to read as follows:

§ 2.33 Verified statement.

* * * * *

(b)(1) In an application under section 1(a) of the Act, the verified statement must allege:

That the applicant is using the mark shown in the accompanying drawing; that the applicant believes it is the owner of the mark; that the mark is in use in commerce; that to the best of the declarant's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used on or in connection with the goods or services; and that the facts set forth in the application are true.

* * * * *

10. Revise §§ 2.34(a)(1)(i), (a)(2), (a)(3)(i) and (a)(4)(ii), and add new § (a)(1)(v), to read as follows:

§ 2.34 Bases for filing.

(a) (1) * * *

(i) The trademark owner's verified statement that the mark is in use in commerce on or in connection with the goods or services listed in the application. If the verification is not filed with the initial application, the verified statement must also allege that the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date;

* * * * *

(v) If more than one item of goods or services is specified in the application, the dates of use required in paragraphs (ii) and (iii) of this section need be for only one of the items specified in each class, provided that the particular item to which the dates apply is designated.

(2) *Intent-to-use under section 1(b) of the Act.* In an application under section 1(b) of the Act, the applicant must verify that it has a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application. If the verification is not filed with the initial application, the verified statement must also allege that the applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.

(3) * * *

(i) The applicant's verified statement that it has a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application. If the verification is not filed with the initial application, the verified statement must also allege that the applicant had a bona fide intention to use the mark in commerce as of the filing date of the application.

* * * * *

(4) (i) * * *

(ii) Include the applicant's verified statement that it has a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application. If the verification is not filed with the initial application, the verified statement must also allege that the applicant had a bona fide intention to use the mark in commerce as of the filing date of the application.

* * * * *

11. Revise § 2.38(b) to read as follows:

§ 2.38 Use by predecessor or by related companies.

* * * * *

(b) If the mark is not being used by the applicant but is being used by one or more related companies whose use inures to the benefit of the applicant under section 5 of the Act, this must be indicated in the application.

* * * * *

12. Amend § 2.41 by revising the heading and paragraph (a) to read as follows:

§ 2.41 Proof of distinctiveness under section 2(f).

(a) When registration is sought of a mark which would be unregistrable by reason of section 2(e) of the Act but which is said by applicant to have become distinctive in commerce of the goods or services set forth in the application, applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, affidavits, or declarations in accordance with § 2.20, depositions, or other appropriate evidence showing duration, extent and nature of use in commerce and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and affidavits, or declarations in accordance with § 2.20, letters or statements from the trade or public, or both, or other appropriate evidence tending to show that the mark distinguishes such goods.

* * * * *

13. Revise § 2.44 to read as follows:

§ 2.44 Collective mark.

(a) In an application to register a collective mark under section 1(a) of the Act, the application shall specify and contain all applicable elements required by the preceding sections for trademarks, but shall also specify the class of persons entitled to use the mark, indicating their relationship to the applicant, and the nature of the applicant's control over the use of the mark.

(b) In an application to register a collective mark under section 1(b), section 44 or section 66(a) of the Act, the application shall specify and contain all applicable elements required by the preceding sections for trademarks, but shall also specify the class of persons intended to be entitled to use the mark, indicating what their relationship to the applicant will be, and the nature of the control applicant intends to exercise over the use of the mark.

14. Revise § 2.45(b) to read as follows:

§ 2.45 Certification mark.

(a) * * *

(b) In an application to register a certification mark under section 1(b), section 44 or section 66(a) of the Act, the application shall include all applicable elements required by the preceding sections for trademarks. In addition, the application must: specify the conditions under which the certification mark is intended to be used; allege that the applicant intends to exercise legitimate control over the use of the mark; and allege that the applicant will not engage in the production or marketing of the goods or services to which the mark is applied. When the applicant files an allegation of use under § 2.76 or § 2.88, the applicant must submit a copy of the standards that determine whether others may use the certification mark on their goods and/or in connection with their services.

15. Revise § 2.46 to read as follows:

§ 2.46 Principal Register.

All applications will be treated as seeking registration on the Principal Register unless otherwise stated in the application. Service marks, collective marks, and certification marks are registered on the Principal Register, if they are registrable in accordance with the applicable provisions of section 2 of the Act.

16. Revise §§ 2.47(a), (b), (d) and (e) to read as follows:

§ 2.47 Supplemental Register.

(a) In an application to register on the Supplemental Register under section 23 of the Act, the application shall so

indicate and shall specify that the mark has been in use in commerce, specifying the nature of such commerce, by the applicant.

(b) In an application to register on the Supplemental Register under section 44 of the Act, the application shall so indicate. The statement of use in commerce may be omitted.

* * * * *

(d) A mark in an application to register on the Principal Register under section 1(b) of the Act is eligible for registration on the Supplemental Register only after the applicant files an acceptable allegation of use under § 2.76 or § 2.88.

(e) An application for registration on the Supplemental Register must conform to the requirements for registration on the Principal Register under section 1(a) of the Act, so far as applicable.

17. Add new § 2.48, to read as follows:

§ 2.48 Office does not issue duplicate registrations.

If two applications on the same register would result in registrations that are exact duplicates, the Office will permit only one application to mature into registration, and will refuse registration in the other application.

18. Revise §§ 2.52(b) and (b)(1) to read as follows:

§ 2.52 Types of drawings and format for drawings.

* * * * *

(b) *Special form drawing.* Applicants who seek to register a mark that includes a two or three-dimensional design; color; and/or words, letters, or numbers or the combination thereof in a particular font style or size must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color.

(1) *Marks that include color.* If the mark includes color, the drawing must show the mark in color, and the applicant must name the color(s), describe where the color(s) appear on the mark, and submit a claim that the color(s) is a feature of the mark.

* * * * *

19. Revise § 2.53(a) to read as follows:

§ 2.53 Requirements for drawings filed through the TEAS.

* * * * *

(a) *Standard character drawings.* If an applicant seeks registration of a standard character mark, the applicant must enter the mark in the appropriate field on the TEAS form, and check the box to claim that the mark consists of standard characters.

* * * * *

20. Revise §§ 2.56(b)(1), (d)(2) and (d)(4) to read as follows:

§ 2.56 Specimens.

* * * * *

(b)(1) A trademark specimen is a label, tag, or container for the goods, or a display associated with the goods. The Office may accept another document related to the goods or the sale of the goods when it is impracticable to place the mark on the goods, packaging for the goods, or displays associated with the goods.

* * * * *

(d)(1) * * *

(2) If the applicant files a specimen exceeding these size requirements (a ''bulky specimen''), the Office will create a digital facsimile of the specimen that meets the requirements of the rule (i.e., is flat and no larger than 8½ inches (21.6 cm.) wide by 11.69 inches (29.7 cm.) long) and put it in the record. The Office will destroy the original bulky specimen.

* * * * *

(4) For a TEAS submission, the specimen must be a digitized image in .jpg or .pdf format.

21. Revise § 2.61(a) to read as follows:

§ 2.61 Action by examiner.

(a) Applications for registration, including amendments to allege use under section 1(c) of the Act and statements of use under section 1(d) of the Act, will be examined and, if the applicant is found not entitled to registration for any reason, applicant will be notified and advised of the reasons therefor and of any formal requirements or objections.

* * * * *

22. Revise § 2.62 to read as follows:

§ 2.62 Procedure for filing response.

(a) *Deadline.* The applicant's response to an Office action must be received within six months from the date of issuance.

(b) *Signature.* The applicant, someone with legal authority to bind the applicant (e.g., a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the response.

23. Revise § 2.64(c)(1) to read as follows:

§ 2.64 Final action.

* * * * *

(c)(1) If an applicant in an application under section 1(b) of the Act files an amendment to allege use under § 2.76 during the six-month response period after issuance of a final action, the examiner shall examine the amendment. The filing of an amendment to allege use does not extend the deadline for filing a response to an outstanding Office action, appeal to the Trademark Trial and Appeal Board, or petition to the Director.

* * * * *

24. Revise §§ 2.65(a) and (c) to read as follows:

§ 2.65 Abandonment.

(a) If an applicant fails to respond, or to respond completely, within six months after the date an action is issued, the application shall be deemed abandoned unless the refusal or requirement is expressly limited to only certain goods and/or services. If the refusal or requirement is expressly limited to only certain goods and/or services, the application will be abandoned only as to those particular goods and/or services. A timely petition to the Director pursuant to §§ 2.63(b) and 2.146 or notice of appeal to the Trademark Trial and Appeal Board (§ 2.142), if appropriate, is a response that avoids abandonment of an application.

* * * * *

(c) If an applicant in an application under section 1(b) of the Act fails to timely file a statement of use under § 2.88, the application shall be deemed to be abandoned.

25. Revise §§ 2.66(a)(1), (d) and (f)(1) to read as follows:

§ 2.66 Revival of abandoned applications.

(a) * * *

(1) Within two months of the date of issuance of the notice of abandonment; or

* * * * *

(d) In an application under section 1(b) of the Act, the Director will not grant the petition if this would permit the filing of a statement of use more than 36 months after the date of issuance of the notice of allowance under section 13(b)(2) of the Act.

* * * * *

(f) * * *

(1) Files the request within two months of the date of issuance of the decision denying the petition; and

* * * * *

26. Revise § 2.73 to read as follows:

§ 2.73 Amendment to recite concurrent use.

An application that includes section 1(a) of the Trademark Act as a filing basis, or for which an acceptable allegation of use under § 2.76 or § 2.88

has been filed, may be amended to an application for concurrent use registration, provided that the application as amended meets the requirements of § 2.42. The trademark examining attorney will determine whether the application, as amended, is acceptable.

27. Revise § 2.74 and its heading to read as follows:

§ 2.74 Form and signature of amendment.

(a) *Form of Amendment.* Amendments should be set forth clearly and completely. Applicant should either set forth the entire wording, including the proposed changes, or, if it would be more efficient, indicate which words should be added and which words should be deleted. The examining attorney may require the applicant to rewrite the entire amendment if necessary for clarification of the record.

(b) *Signature.* The applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 must sign the request for amendment. If the amendment requires verification, the verification must be sworn to or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (§ 2.33(a)).

28. Revise §§ 2.75(a) and (b) to read as follows:

§ 2.75 Amendment to change application to different register.

(a) An application for registration on the Principal Register under section 1(a) or 44 of the Act may be changed to an application for registration on the Supplemental Register and vice versa by amending the application to comply with the rules relating to the appropriate register.

(b) An application under section 1(b) of the Act may be amended to change the application to the Supplemental Register only after the applicant submits an acceptable allegation of use under § 2.76 or § 2.88. When such an application is changed from the Principal Register to the Supplemental Register, the effective filing date of the application is the filing date of the allegation of use.

* * * * *

29. Revise § 2.76(d) to read as follows:

§ 2.76 Amendment to allege use.

* * * * *

(d) The title ''Allegation of Use'' should appear at the top of the document.

* * * * *

30. Revise § 2.77 to read as follows:

§ 2.77 Amendments between notice of allowance and statement of use.

(a) The only amendments that can be entered in an application between the issuance of the notice of allowance and the submission of a statement of use are: (1) The deletion of specified goods or services from the identification of goods/services; (2) the deletion of a basis in a multiple-basis application; and (3) a change of attorney or change of address.

(b) Other amendments filed during this period will be placed in the application file and considered when the statement of use is examined.

31. Revise § 2.81 to read as follows:

§ 2.81 Post publication.

(a) Except in an application under section 1(b) of the Act for which no amendment to allege use under § 2.76 has been submitted and accepted, if no opposition is filed within the time permitted or all oppositions filed are dismissed, and if no interference is declared and no concurrent use proceeding is instituted, the application will be prepared for issuance of the certificate of registration as provided in § 2.151.

(b) In an application under section 1(b) of the Act for which no amendment to allege use under § 2.76 has been submitted and accepted, if no opposition is filed within the time permitted or all oppositions filed are dismissed, and if no interference is declared, a notice of allowance will issue. The notice of allowance will state the serial number of the application, the name of the applicant, the correspondence address, the mark, the identification of goods and/or services, and the issue date of the notice of allowance. Thereafter, the applicant must submit a statement of use as provided in § 2.88.

32. Revise § 2.84(b) to read as follows:

§ 2.84 Jurisdiction over published applications.

* * * * *

(b) After publication, but before the certificate of registration is issued in an application under section 1(a), 44 or 66(a) of the Act, or before the notice of allowance is issued in an application under section 1(b) of the Act, an application that is not the subject of an *inter partes* proceeding before the Trademark Trial and Appeal Board may be amended if the amendment does not necessitate republication of the mark or issuance of an Office action. Otherwise, an amendment to such an application may be submitted only upon petition to the Director to restore jurisdiction over the application to the trademark examining attorney for consideration of the amendment and further examination. The amendment of an application that is the subject of an *inter partes* proceeding before the Trademark Trial and Appeal Board is governed by § 2.133.

33. Revise § 2.85 to read as follows:

§ 2.85 Classification schedules.

(a) *International classification system.* Section 6.1 of this chapter sets forth the international system of classification for goods and services, which applies for all statutory purposes to:

(1) applications filed in the Office on or after September 1, 1973, and resulting registrations; and

(2) registrations resulting from applications filed on or before August 31, 1973, that have been amended to adopt international classification pursuant to § 2.85(e)(3).

(b) *Prior United States classification system.* Section 6.2 of this chapter sets forth the prior United States system of classification for goods and services, which applies for all statutory purposes to registrations resulting from applications filed on or before August 31, 1973, unless:

(1) the registration has been amended to adopt international classification pursuant to § 2.85(e)(3); or

(2) the registration was issued under a classification system prior to that set forth in § 6.2.

(c) *Certification marks and collective membership marks.* Sections 6.3 and 6.4 specify the system of classification which applies to certification marks and collective membership marks in applications based on sections 1 and 44 of the Trademark Act, and to registrations resulting from applications based on sections 1 and 44. These sections do not apply to applications under section 66(a) or to registered extensions of protection.

(d) *Section 66(a) applications and registered extensions of protection.* In an application under section 66(a) of the Act or registered extension of protection, the classification cannot be changed from the classification assigned by the International Bureau of the World Intellectual Property Organization, unless the International Bureau corrects the classification. Classes cannot be added, and goods or services cannot be transferred from one class to another in a multiple-class application.

(e) *Changes to Nice Agreement.* The international classification system changes periodically, pursuant to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. These changes are

listed in the *International Classification of Goods and Services for the Purposes of the Registration of Marks*, which is published by the World Intellectual Property Organization.

(1) If international classification changes pursuant to the Nice Agreement, the new classification applies only to applications filed on or after the effective date of the change.

(2) In a section 1 or section 44 application filed before an effective date of a change to the Nice Agreement, the applicant may amend the application to comply with the requirements of the current edition. The applicant must comply with the current edition for all goods or services identified in the application. The applicant must pay the fees for any added class(es).

(3) In a registration resulting from a section 1 or section 44 application that was filed before an effective date of a change to the Nice Agreement, the owner may amend the registration to comply with the requirements of the current edition. The owner must reclassify all goods or services identified in the registration to the current edition. The owner must pay the fee required by § 2.6 for amendments under section 7 of the Trademark Act. The owner may reclassify registrations from multiple United States classes (§ 2.85(b)) into a single international classification, where appropriate.

(f) Classification schedules shall not limit or extend the applicant's rights, except that in a section 66(a) application, the scope of the identification of goods or services for purposes of permissible amendments (*see* § 2.71(a)) is limited by the class, pursuant to § 2.85(d).

34. Revise § 2.86(a)(2) to read as follows:

§ 2.86 Application may include multiple classes.

(a) * * *

(2) Submit an application filing fee for each class, as set forth in § 2.6(a)(1); and

* * * * *

35. Revise § 2.87 to read as follows:

§ 2.87 Dividing an application.

(a) *Application may be divided.* An application may be physically divided into two or more separate applications upon the payment of a fee for each new application created and submission by the applicant of a request in accordance with paragraph (d) of this section.

(b) *Fee.* In the case of a request to divide out one or more entire classes from an application, only the fee for dividing an application as set forth in § 2.6(a)(19) will be required. However, in the case of a request to divide out some, but not all, of the goods or services in a class, the applicant must submit the application filing fee as set forth in § 2.6(a)(1) for each new separate application to be created by the division, in addition to the fee for dividing an application.

(c) *Time for filing.* (1) An applicant may file a request to divide an application at any time between the application filing date and the date on which the trademark examining attorney approves the mark for publication; or during an opposition, concurrent use, or interference proceeding, upon motion granted by the Trademark Trial and Appeal Board.

(2) An applicant may file a request to divide an application under section 1(b) of the Act with a statement of use under § 2.88 or at any time between the filing of a statement of use and the date on which the trademark examining attorney approves the mark for registration.

(3) An applicant may file a request to divide out one or more bases of a multiple-basis application during the period between the issuance of the notice of allowance under section 13(b)(2) of the Act and the filing of a statement of use under § 2.88.

(d) *Form.* A request to divide an application should be made in a separate document from any other amendment or response in the application. The title ''Request to Divide Application'' should appear at the top of the first page of the document.

(e) *Outstanding time periods apply to newly created applications.* Any time period for action by the applicant which is outstanding in the original application at the time of the division will be applicable to each separate new application created by the division, except as follows:

(1) If an Office action pertaining to less than all the classes in a multiple-class application is outstanding, and the applicant files a request to divide out the goods, services, or class(es) to which the Office action does not pertain before the response deadline, a response to the Office action is not due in the new (child) application(s) created by the division of the application;

(2) If an Office action pertaining to only one basis in a multiple-basis application is outstanding, and the applicant files a request to divide out the basis to which the Office action does not pertain before the response deadline, a response to the Office action is not due in the new (child) application(s) created by the division of the application; or

(3) In a multiple-basis application in which a notice of allowance has issued, if the applicant files a request to divide out the basis or bases to which the notice of allowance does not pertain before the deadline for filing the statement of use, the new (child) applications created by the division are not affected by the notice of allowance.

(f) *Signature.* The applicant, someone with legal authority to bind the applicant (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 must sign the request to divide.

(g) *Section 66(a) applications—change of ownership with respect to some but not all of the goods or services.* (1) When the International Bureau of the World Intellectual Property Organization notifies the Office that an international registration has been divided as the result of a change of ownership with respect to some but not all of the goods or services, the Office will construe the International Bureau's notice as a request to divide. The Office will record the partial change of ownership in the Assignment Services Branch, and divide out the assigned goods/services from the original (parent) application. The Office will create a new (child) application serial number, and enter the information about the new application in its automated records.

(2) To obtain a certificate of registration in the name of the new owner for the goods/services that have been divided out, the new owner must pay the fee(s) for the request to divide, as required by § 2.6 and paragraph (b) of this section. The examining attorney will issue an Office action in the child application requiring the new owner to pay the required fee(s). If the owner of the child application fails to respond, the child application will be abandoned. It is not necessary for the new owner to file a separate request to divide.

(3) The Office will not divide a section 66(a) application based upon a change of ownership unless the International Bureau notifies the Office that the international registration has been divided.

36. Revise §§ 2.88(a), (b)(1)(ii), (b)(3), (d), and (i)(2) to read as follows:

§ 2.88 Filing statement of use after notice of allowance.

(a) In an application under section 1(b) of the Act, a statement of use under section 1(d) of the Act must be filed within six months after issuance of a notice of allowance under section 13(b)(2) of the Act, or within an extension of time granted under § 2.89. A statement of use that is filed prior to issuance of a notice of allowance is premature.

(b) * * *

(1) * * *

(ii) The mark is in use in commerce, specifying the date of the applicant's first use of the mark and first use of the mark in commerce on or in connection with goods or services identified in the notice of allowance as based on intent to use, and those goods or services specified in the notice of allowance based on intent to use on or in connection with which the applicant uses the mark in commerce;

* * * * *

(3) The fee per class required by § 2.6. The applicant must pay a filing fee sufficient to cover at least one class within the statutory time for filing the statement of use, or the application will be abandoned. If the applicant submits a fee insufficient to cover all the classes in a multiple-class application, the applicant must specify the classes to be abandoned. If the applicant submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to be abandoned, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining classes, or specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid to the lowest numbered class(es) in ascending order, and will delete the goods/services in the higher class(es) from the application.

* * * * *

(d) The title ''Allegation of Use'' should appear at the top of the first page of the document.

* * * * *

(i) * * *

(2) If any goods or services specified in the notice of allowance are omitted from the identification of goods or services in the statement of use, the Office will delete the omitted goods/services from the application. The applicant may not thereafter reinsert these goods/services.

* * * * *

37. Revise § 2.89(a) introductory text, (a)(2), (a)(3), (b)(2) and (g) to read as follows:

§ 2.89 Extensions of time for filing a statement of use.

(a) The applicant may request a six-month extension of time to file the statement of use required by § 2.88. The extension request must be filed within six months of the date of issuance of the notice of allowance under section 13(b)(2) of the Act and must include the following:

(1) * * *

(2) The fee per class required by § 2.6. The applicant must pay a filing fee sufficient to cover at least one class within the statutory time for filing the extension request, or the request will be denied. If the applicant timely submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to which the fee applies, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining classes, or specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid to the lowest numbered class(es) in ascending order, and will delete the goods/services in the higher class(es) from the application; and

(3) A statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant (§ 2.33(a)) that the applicant still has a bona fide intention to use the mark in commerce, specifying the relevant goods or services. If the verification is unsigned or signed by the wrong party, the applicant must submit a substitute verification within six months of the date of issuance of the notice of allowance.

(b) * * *

(2) The fee per class required by § 2.6. The applicant must pay a filing fee sufficient to cover at least one class within the statutory time for filing the extension request, or the request will be denied. If the applicant submits a fee insufficient to cover all the classes in a multiple-class application, the applicant must specify the classes to be abandoned. If the applicant submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to which the fee applies, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining classes, or specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid to the lowest numbered class(es) in ascending order, and will delete the goods/services in the higher class(es) from the application;

* * * * *

(g) The applicant will be notified of the grant or denial of a request for an extension of time, and of the reasons for a denial. Failure to notify the applicant of the grant or denial of the request prior to the expiration of the existing period or requested extension does not relieve the applicant of the responsibility of timely filing a statement of use under § 2.88. If, after denial of an extension request, there is time remaining in the existing six-month period for filing a statement of use, applicant may submit a substitute request for extension of time. Otherwise, the only recourse available after denial of a request for an extension of time is a petition to the Director in accordance with § 2.66 or § 2.146. A petition from the denial of an extension request must be filed within two months of the date of issuance of the denial of the request. If the petition is granted, the term of the requested six-month extension that was the subject of the petition will run from the date of the expiration of the previously existing six-month period for filing a statement of use.

* * * * *

38. Revise § 2.93 to read as follows:

§ 2.93 Institution of interference.

An interference is instituted by the issuance of a notice of interference to the parties. The notice shall be sent to each applicant, in care of the applicant's attorney or other representative of record, if any, and if one of the parties is a registrant, the notice shall be sent to the registrant or the registrant's assignee of record. The notice shall give the name and address of every adverse party and of the adverse party's attorney or other authorized representative, if any, together with the serial number and date of filing and publication of each of the applications, or the registration number and date of issuance of each of the registrations, involved.

39. Revise §§ 2.99(d)(2) and (g) to read as follows:

§ 2.99 Application to register as concurrent user.

* * * * *

(d)(1) * * *

(2) An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified as a concurrent user in the application, but a statement, if desired, may be filed within forty days after the issuance of the notice; in the case of any other party specified as a concurrent user in the application, an answer must be filed within forty days after the issuance of the notice.

* * * * *

(g) Registrations and applications to register on the Supplemental Register and registrations under the Act of 1920

are not subject to concurrent use registration proceedings. Applications under section 1(b) of the Act of 1946 are subject to concurrent use registration proceedings only after the applicant files an acceptable allegation of use under § 2.76 or § 2.88. Applications based solely on section 44 or section 66(a) of the Act are not subject to concurrent use registration proceedings.

* * * * *

40. Revise § 2.141 to read as follows:

§ 2.141 Ex parte appeals from action of trademark examining attorney.

(a) An applicant may, upon final refusal by the trademark examining attorney, appeal to the Trademark Trial and Appeal Board upon payment of the prescribed fee for each class in the application for which an appeal is taken, within six months of the date of issuance of the final action. A second refusal on the same grounds may be considered as final by the applicant for purpose of appeal.

(b) The applicant must pay an appeal fee for each class from which the appeal is taken. If the applicant does not pay an appeal fee for at least one class of goods or services before expiration of the six-month statutory filing period, the application will be abandoned. In a multiple-class application, if an appeal fee is submitted for fewer than all classes, the applicant must specify the class(es) in which the appeal is taken. If the applicant timely submits a fee sufficient to pay for an appeal in at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to which the fee applies, the Board will issue a written notice setting a time limit in which the applicant may either pay the additional fees or specify the class(es) being appealed. If the applicant does not submit the required fee or specify the class(es) being appealed within the set time period, the Board will apply the fee(s) to the classes in ascending order, beginning with the lowest numbered class.

41. Revise § 2.146(b), (c), (d), (e), (i) introductory text and (j)(1) to read as follows:

§ 2.146 Petitions to the Director.

* * * * *

(b) Questions of substance arising during the ex parte prosecution of applications, including but not limited to questions arising under sections 2, 3, 4, 5, 6 and 23 of the Act, are not considered to be appropriate subject matter for petitions to the Director.

(c) Every petition to the Director must include a statement of the facts relevant to the petition, the points to be reviewed, the action or relief requested, and the fee required by § 2.6. Any brief in support of the petition should be embodied in or accompany the petition. The petitioner, someone with legal authority to bind the petitioner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter must sign the petition. When facts are to be proved on petition, the petitioner must submit proof in the form of affidavits or declarations in accordance with § 2.20, signed by someone with firsthand knowledge of the facts to be proved, and any exhibits.

(d) A petition must be filed within two months of the date of issuance of the action from which relief is requested, unless a different deadline is specified elsewhere in this chapter.

(e)(1) A petition from the grant or denial of a request for an extension of time to file a notice of opposition must be filed within fifteen days from the date of issuance of the grant or denial of the request. A petition from the grant of a request must be served on the attorney or other authorized representative of the potential opposer, if any, or on the potential opposer. A petition from the denial of a request must be served on the attorney or other authorized representative of the applicant, if any, or on the applicant. Proof of service of the petition must be made as provided by § 2.119. The potential opposer or the applicant, as the case may be, may file a response within fifteen days from the date of service of the petition and must serve a copy of the response on the petitioner, with proof of service as provided by § 2.119. No further document relating to the petition may be filed.

(2) A petition from an interlocutory order of the Trademark Trial and Appeal Board must be filed within thirty days after the date of issuance of the order from which relief is requested. Any brief in response to the petition must be filed, with any supporting exhibits, within fifteen days from the date of service of the petition. Petitions and responses to petitions, and any documents accompanying a petition or response under this subsection must be served on every adverse party pursuant to § 2.119.

* * * * *

(i) Where a petitioner seeks to reactivate an application or registration that was abandoned, cancelled or expired because documents were lost or mishandled, the Director may deny the petition if the petitioner was not diligent in checking the status of the application or registration. To be considered diligent, a petitioner must:

(1) * * *

* * * * *

(j) * * *

(1) Files the request within two months of the date of issuance of the decision denying the petition; and

* * * * *

42. Revise § 2.153 to read as follows:

§ 2.153 Publication requirements.

A registrant of a mark registered under the provisions of the Acts of 1881 or 1905 may at any time prior to the expiration of the period for which the registration was issued or renewed, upon the payment of the prescribed fee, file an affidavit or declaration in accordance with § 2.20 setting forth those goods stated in the registration on which said mark is in use in commerce, and stating that the registrant claims the benefits of the Trademark Act of 1946.

§§ 2.260–2.166 [Amended]

43. Immediately preceding § 2.160, revise the center heading to read as follows:

Cancellation for Failure To File Affidavit or Declaration

44. Revise § 2.161(g)(3) to read as follows:

§ 2.161 Requirements for a complete affidavit or declaration of continued use or excusable nonuse.

* * * * *

(g) * * *

(3) Be a digitized image in .jpg or .pdf format, if transmitted through TEAS.

45. Revise § 2.163(b) to read as follows:

§ 2.163 Acknowledgment of receipt of affidavit or declaration.

* * * * *

(b) A response to the refusal must be filed within six months of the date of issuance of the Office action, or before the end of the filing period set forth in section 8(a) or section 8(b) of the Act, whichever is later. If no response is filed within this time period, the registration will be cancelled, unless there is time remaining in the grace period under section 8(c)(1) of the Act. If there is time remaining in the grace period, the owner may file a complete new affidavit.

46. Revise § 2.165(b) to read as follows:

§ 2.165 Petition to Director to review refusal.

* * * * *

(b) If the examiner maintains the refusal of the affidavit or declaration, a petition to the Director to review the action may be filed. The petition must

be filed within six months of the date of issuance of the action maintaining the refusal, or the Office will cancel the registration and issue a notice of the cancellation.

* * * * *

47. Amend § 2.167 by revising the heading, introductory text and paragraphs (a) and (f) to read as follows:

§ 2.167 Affidavit or declaration under section 15.

The owner of a mark registered on the Principal Register or a mark registered under the Act of 1881 or 1905 and published under § 12(c) of the Act (§ 2.153) may file an affidavit or declaration of incontestability under section 15 of the Act. The affidavit or declaration must:

(a) Be verified (sworn to) or supported by a declaration under § 2.20, signed by the owner of the registration or a person properly authorized to sign on behalf of the owner (§ 2.161(b));

* * * * *

(f) Be filed within one year after the expiration of any five-year period of continuous use following registration or publication under section 12(c). The Office will notify the owner of the receipt of the affidavit or declaration.

* * * * *

48. Revise § 2.171 to read as follows:

§ 2.171 New certificate on change of ownership.

(a) *Full change of ownership*. If the ownership of a registered mark changes, the assignee may request that a new certificate of registration be issued in the name of the assignee for the unexpired part of the original period. The assignment must be recorded in the Office, and the request for the new certificate must be signed by the assignee and accompanied by the fee required by § 2.6(a)(8). In a registered extension of protection, the assignment must be recorded with the International Bureau of the World Intellectual Property Organization before it can be recorded in the Office (*see* § 7.22).

(b) *Partial change of ownership*. (1) In a registration resulting from an application based on section 1 or 44 of the Act, if ownership of a registration has changed with respect to some but not all of the goods and/or services, the owner(s) may file a request that the registration be divided into two or more separate registrations. The owner(s) must pay the fee required by § 2.6(a)(8) for each new registration created by the division, and the change of ownership must be recorded in the Office.

(2) (i) When the International Bureau of the World Intellectual Property Organization notifies the Office that an international registration has been divided as the result of a change of ownership with respect to some but not all of the goods or services, the Office will construe the International Bureau's notice as a request to divide. The Office will record the partial change of ownership in the Assignment Services Branch, and divide out the assigned goods/services from the registered extension of protection (parent registration), issue an updated certificate for the parent registration, and publish notice of the parent registration in the *Official Gazette*.

(ii) The Office will create a new registration number for the child, and enter the information about the new registration in its automated records. The Office will notify the new owner that the new owner must pay the fee required by § 2.6 to obtain a new registration certificate for the child registration. It is not necessary for the new owner to file a separate request to divide.

(iii) The Office will not divide a registered extension of protection unless the International Bureau notifies the Office that the international registration has been divided.

49. Revise § 2.173 to read as follows:

§ 2.173 Amendment of registration.

(a) *Form of amendment*. The owner of a registration may apply to amend a registration or to disclaim part of the mark in the registration. The owner must submit a written request specifying the amendment or disclaimer. If the registration is involved in an inter partes proceeding before the Trademark Trial and Appeal Board, the request must be filed by appropriate motion to the Board.

(b) *Requirements for request*. A request for amendment or disclaimer must:

(1) Include the fee required by § 2.6;

(2) Be signed by the owner of the registration, someone with legal authority to bind the owner (*e.g.*, a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter, and verified or supported by a declaration under § 2.20; and

(3) If the amendment involves a change in the mark: a new specimen showing the mark as used on or in connection with the goods or services; an affidavit or a declaration under § 2.20 stating that the specimen was in use in commerce at least as early as the filing date of the amendment; and a new drawing of the amended mark.

(c) *Registration must still contain registrable matter*. The registration as amended must still contain registrable matter, and the mark as amended must be registrable as a whole.

(d) *Amendment may not materially alter the mark*. An amendment or disclaimer must not materially alter the character of the mark.

(e) *Amendment of identification of goods*. No amendment in the identification of goods or services in a registration will be permitted except to restrict the identification or to change it in ways that would not require republication of the mark.

(f) *Conforming amendments may be required*. If the registration includes a disclaimer, description of the mark, or other miscellaneous statement, any request to amend the registration must include a request to make any necessary conforming amendments to the disclaimer, description, or other statement.

(g) *Elimination of disclaimer*. No amendment seeking the elimination of a disclaimer will be permitted, unless deletion of the disclaimed portion of the mark is also sought.

50. Revise § 2.174 to read as follows:

§ 2.174 Correction of Office mistake.

Whenever Office records clearly disclose a material mistake in a registration, incurred through the fault of the Office, the Office will issue a certificate of correction stating the fact and nature of the mistake, signed by the Director or by an employee designated by the Director, without charge. Thereafter, the corrected certificate shall have the same effect as if it had been originally issued in the corrected form. In the discretion of the Director, the Office may issue a new certificate of registration without charge.

51. Revise § 2.175(b)(2) to read as follows, and remove paragraph (c):

§ 2.175 Correction of mistake by registrant.

* * * * *

(b) * * *

(2) Be signed by the owner of the registration, someone with legal authority to bind the owner (e.g., a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 of this chapter, and verified or include a declaration in accordance with § 2.20; and

* * * * *

52. Revise § 2.176 to read as follows:

§ 2.176 Consideration of above matters.

The matters in §§ 2.171 to 2.175 will be considered in the first instance by the Post Registration examiners, except for requests to amend registrations involved in inter partes proceedings before the

Trademark Trial and Appeal Board, as specified in § 2.173(a), which shall be considered by the Board. If an action of the examiner is adverse, registrant may petition the Director to review the action under § 2.146. If the registrant does not respond to an adverse action of the examiner within six months of the date of issuance, the matter will be considered abandoned.

53. Amend § 2.183 by adding a new paragraph (f), to read as follows:

§ 2.183 Requirements for a complete renewal application.

* * * * *

(f) Renewals of registrations issued under a prior classification system will be processed on the basis of that system, unless the registration has been amended to adopt international classification pursuant to § 2.85(e)(3).

54. Revise § 2.184(b) to read as follows:

§ 2.184 Refusal of renewal.

* * * * *

(b)(1) A response to the refusal of renewal must be filed within six months of the date of issuance of the Office action, or before the expiration date of the registration, whichever is later. If no response is filed within this time period, the registration will expire, unless there is time remaining in the grace period under section 9(a) of the Act. If there is time remaining in the grace period, the registrant may file a complete new renewal application.

(2) The registrant, someone with legal authority to bind the registrant (e.g., a corporate officer or general partner of a partnership), or a practitioner who meets the requirements of § 10.14 must sign the response.

* * * * *

55. Revise § 2.186(b) to read as follows:

§ 2.186 Petition to Director to review refusal of renewal.

* * * * *

(b) If the examiner maintains the refusal of the renewal application, a petition to the Director to review the refusal may be filed. The petition must be filed within six months of the date of issuance of the Office action maintaining the refusal, or the renewal application will be abandoned and the registration will expire.

* * * * *

56. Revise §§ 2.195(b) and (e) to read as follows:

§ 2.195 Receipt of trademark correspondence.

* * * * *

(b) *Correspondence delivered by hand.* Correspondence may be delivered by hand during hours the Office is open to receive correspondence.

* * * * *

(e) *Interruptions in U.S. Postal Service.* (1) If the Director designates a postal service interruption or emergency within the meaning of 35 U.S.C. 21(a), any person attempting to file correspondence by ''Express Mail Post Office to Addressee'' service who was unable to deposit the correspondence with the United States Postal Service due to the interruption or emergency may petition the Director to consider such correspondence as filed on a particular date in the Office.

(2) The petition must:

(i) Be filed promptly after the ending of the designated interruption or emergency;

(ii) Include the original correspondence or a copy of the original correspondence; and

(iii) Include a statement that the correspondence would have been deposited with the United States Postal Service on the requested filing date but for the designated interruption or emergency in ''Express Mail'' service; and that the correspondence attached to the petition is the original correspondence or a true copy of the correspondence originally attempted to be deposited as Express Mail on the requested filing date.

(3) Paragraphs (e)(1) and (2) of this section do not apply to correspondence that is excluded from the Express Mail procedure pursuant to § 2.198(a)(1).

PART 3—ASSIGNMENT, RECORDING AND RIGHTS OF ASSIGNEE

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

Authority: 15 U.S.C. 1112, 1123; 35 U.S.C. 2, unless otherwise noted.

58. In § 3.31, add paragraph (a)(8) and revise paragraph (f) to read as follows:

§ 3.31 Cover sheet content.

(a) * * *

(8) For trademark assignments, the entity and citizenship of the party receiving the interest. In addition, if the party receiving the interest is a domestic partnership or domestic joint venture, the cover sheet must set forth the names, legal entities, and national citizenship (or the state or country of organization) of all general partners or active members that compose the partnership or joint venture.

* * * * *

(f) Each trademark cover sheet should include the citizenship of the party conveying the interest.

* * * * *

PART 6—CLASSIFICATION OF GOODS AND SERVICES UNDER THE TRADEMARK ACT

59. The authority citation for part 6 continues to read as follows:

Authority: 15 U.S.C. 1112, 1123; 35 U.S.C. 2, unless otherwise noted.

60. Revise § 6.3 to read as follows:

§ 6.3 Schedule for certification marks.

In applications for registration of certification marks based on sections 1 and 44 of the Trademark Act and registrations resulting from such applications, goods and services are classified in two classes as follows:

A. Goods

B. Services

61. Revise § 6.4 to read as follows:

§ 6.4 Schedule for collective membership marks.

All collective membership marks in applications based on sections 1 and 44 of the Trademark Act and registrations resulting from such applications are classified as follows:

Class	Title
200	Collective Membership.

PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

62. The authority citation for 37 CFR part 7 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

63. Revise § 7.11(a)(2) to read as follows:

§ 7.11 Requirements for international application originating from the United States.

(a) * * *

(2) The name and entity of the international applicant that is identical to the name and entity of the applicant or registrant in the basic application or basic registration and applicant's current address;

* * * * *

64. Revise § 7.14(e) to read as follows:

§ 7.14 Correcting irregularities in international application.

* * * * *

(e) *Procedure for response.* To be considered timely, a response must be received by the International Bureau before the end of the response period set forth in the International Bureau's notice. Receipt in the Office does not

fulfill this requirement. Any response submitted through the Office for forwarding to the International Bureau should be submitted as soon as possible, but at least one month before the end of the response period in the International Bureau's notice. The Office will not process any response received in the Office after the International Bureau's response deadline.

65. Revise § 7.25(a) to read as follows:

§ 7.25 Sections of part 2 applicable to extension of protection.

(a) Except for §§ 2.22–2.23, 2.130–2.131, 2.160–2.166, 2.168, 2.173, and 2.181–2.186, all sections in part 2 and all sections in part 10 of this chapter shall apply to an extension of protection of an international registration to the United States, including sections related to proceedings before the Trademark Trial and Appeal Board, unless otherwise stated.

* * * * *

66. Revise § 7.39(b) to read as follows:

§ 7.39 Acknowledgment of receipt of affidavit or declaration of use in commerce or excusable nonuse.

* * * * *

(b) A response to a refusal under paragraph (a) of this section must be filed within six months of the date of issuance of the Office action, or before the end of the filing period set forth in section 71(a) of the Act, whichever is later. The Office will cancel the extension of protection if no response is filed within this time period.

67. Revise § 7.40(b) to read as follows:

§ 7.40 Petition to Director to review refusal.

* * * * *

(b) If the examiner maintains the refusal of the affidavit or declaration, the holder may file a petition to the Director to review the examiner's action. The petition must be filed within six months of the date of issuance of the action maintaining the refusal, or the Office will cancel the registration.

* * * * *

Dated: June 4, 2008.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E8–12909 Filed 6–11–08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–7784]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before September 10, 2008.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–7784, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151 or (e-mail) *bill.blanton@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151 or (e-mail) *bill.blanton@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

Administrative Procedure Act Statement. This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

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

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

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	
				Existing	Modified
Unincorporated Areas of Morrow County, Ohio					
Ohio	Unincorporated Areas of Morrow County.	Whetstone Creek	1290 feet downstream of Cardington Road.	None	+1050
			1570 feet downstream of U.S. Route 42	None	+1068

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Morrow County

Maps are available for inspection at 80 North Walnut Street, Suite C, Mt. Gilead, OH 43338.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Cortland County, New York, and Incorporated Areas				
Blue Creek	Confluence with Dry Creek	+1183	+1185	Town of Cortlandville.
	Approximately 215 feet upstream of Kinney Gulf Road	None	+1204	
Dry Creek	Approximately 720 feet downstream of North Main Street.	+1115	+1116	City of Cortland, Town of Cortlandville.
	Approximately 330 feet upstream of Kinney Gulf Road	None	+1211	
Gridley Creek	Confluence with Tiougnioga River	None	+1044	Town of Virgil.
	Approximately 1.8 miles upstream of Page Green Road.	None	+1462	
Gridley Creek Tributary 9	Confluence with Gridley Creek	None	+1354	Town of Virgil.
	Approximately 1,915 feet upstream of State Route 392.	None	+1396	
Gridley Creek Tributary 9–1	Confluence with Hope Lake	None	+1429	Town of Virgil.
	Approximately .4 mile upstream of Clute Road	None	+1564	
Hope Lake	Entire shoreline within community	None	+1429	Town of Virgil.
Mosquito Creek	Approximately 50 feet upstream of West Center Street.	+1153	+1150	Town of Cortlandville, Village of Mcgraw.
	Approximately .78 mile upstream of Heath Road	+1517	+1509	
Otselic River	Approximately 991 feet downstream of Route 23	None	+1034	Town of Cincinnatus.
	Approximately 1.6 miles upstream of Telephone Road	None	+1053	
Otter Creek	Approximately 130 feet upstream of North Main Street	+1119	+1121	City of Cortland, Town of Cortlandville.
	Approximately 70 feet upstream of State Route 13	None	+1186	
Otter Creek Tributary 3	Confluence with Otter Creek	None	+1170	Town of Cortlandville.
	Approximately 1,000 feet upstream of Gutchess Lumber Service Road.	None	+1170	
Skaneateles Lake	Entire shoreline within community	None	+867	Town of Scott.
Song Lake	Entire shoreline within community	None	+1195	Town of Preble.
Tioughnioga River Reach 2	Approximately .58 mile downstream of Main Street	None	+1014	Town of Marathon, Village of Marathon.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately .85 mile upstream of Main Street	None	+1023	
Trout Brook	At Town of Solon Corporate Limits, approximately 1.280 miles upstream of Hollow Road.	None	+1204	Town of Solon.
	Approximately 1.288 miles upstream of Hollow Road	None	+1204	
Tully Lake	Entire shoreline within community	None	+1195	Town of Preble.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Cortland
Maps are available for inspection at Cortland City Hall, 25 Court Street, Cortland, NY.
Town of Cincinnatus
Maps are available for inspection at Cincinnatus Town Hall, 2770 Lower Cincinnatus Road, Cincinnatus, NY.
Town of Cortlandville
Maps are available for inspection at Cortlandvile Town Hall, Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, NY.
Town of Marathon
Maps are available for inspection at Town of Marathon Highway Department, 16 Brink Street, Marathon, NY.
Town of Preble
Maps are available for inspection at Preble Town Hall, 1968 Preble Road, Preble, NY.
Town of Scott
Maps are available for inspection at Scott Town Hall, 6689 NYS Route 41, Homer, NY.
Town of Solon
Maps are available for inspection at Solon Town Hall, 4012 North Tower Road, East Freetown, NY.
Town of Virgil
Maps are available for inspection at Virgil Town Hall, 1176 Church Street, Cortland, NY.
Village of Marathon
Maps are available for inspection at Marathon Village Hall, 18 Tannery Street, Marathon, NY.
Village of Mcgraw
Maps are available for inspection at McGraw Village Hall, 1 Cemetery Street, McGraw, NY.

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

Dated: May 28, 2008.

David I. Maurstad,

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

[FR Doc. E8–13208 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 12, 22, and 52

[FAR Case 2007–013; Docket 2008–0001; Sequence 1]

RIN 9000–AK91

Federal Acquisition Regulation; FAR Case 2007–013, Employment Eligibility Verification

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to require certain contractors and subcontractors to use the U.S. Citizenship and Immigration Services' (USCIS) E-Verify system as the means of verifying that certain of their employees are eligible to work in the United States.

DATES: Interested parties should submit written comments to the FAR Secretariat on or before August 11, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR case 2007–013 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting ''FAR Case 2007–013'' under the heading ''Comment or Submission''. Select the link ''Send a Comment or Submission'' that corresponds with FAR Case 2007–013. Follow the instructions provided to complete the ''Public Comment and Submission Form''. Please include your name, company name (if any), and ''FAR Case 2007–013'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR case 2007–013 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Meredith Murphy, Procurement Analyst, at (202) 208–6925 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAR case 2007–013.

SUPPLEMENTARY INFORMATION:

A. Background

This rule proposes to amend the Federal Acquisition Regulation (FAR) to require that certain contracts contain a clause requiring that the contractor and certain subcontractors utilize the E-Verify System to verify employment eligibility of all newly hired employees of the contractor or subcontractor and all employees directly engaged in the performance of work in the United States under those contracts.

The Government awards numerous contracts each fiscal year worth hundreds of billions of dollars. At the same time, one of the Government's primary responsibilities is the enforcement of the immigration laws of the United States. It is appropriate to ensure that Government contractors and subcontractors abide by the immigration laws that the Government enforces. In 1986, Congress amended the Immigration and Nationality Act (INA) to prohibit the hiring or continued employment of aliens, knowing that the aliens are unauthorized to work in the United States. Public Law 99–603, Title I, § 101(a)(1), 100 Stat. 3360, codified at 8 U.S.C. 1324a(a). Congress also established an employment verification system in 8 U.S.C. 1324a(b), and directed the President to evaluate that system's security and efficacy and implement necessary changes, subject to congressional oversight. 8 U.S.C. 1324a(d). To assist in the development of such changes and additions to the system, Congress also authorized the President to establish demonstration projects designed to strengthen the employment verification system. 8 U.S.C. 1324a(d)(4). In 1992 the Immigration and Naturalization Service (INS) launched the Telephone Verification System (TVS) pilot program—an early form of what is now the E-Verify system—as a demonstration project. 69 Interpreter Releases 702 (June 8, 1992); 515 (Apr. 27, 1992). In 1996, Congress established the Basic Pilot program (now E-Verify) as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Public Law No. 104–208, §§ 401–405, 110 Stat. 3009–655—3009–665 (1996) (8 U.S.C. 1324a note). The Basic Pilot statute instructs all departments of the Executive Branch to participate in E-Verify as part of their hiring process. IIRIRA § 402(e)(1).

This rule is authorized by an exercise of the President's authority under the Federal Property and Administrative Services Act of 1949 (FPASA), to ''prescribe policies and directives'' governing procurement policy ''that the President considers necessary to carry out'' that Act and that are ''consistent'' with the Act's aim of ''provid[ing] the Federal Government with an economical and efficient'' procurement system. 40 U.S.C. 121, 101. The ''economy and efficiency'' benefits to Federal contracting that flow from ensuring that the Federal Government does not do business with contractors that hire or employ unauthorized aliens were first set forth in Executive Order 12989 (see 61 FR 6091, February 15, 1996). That order, which pre-dated Congress's creation of the Basic Pilot program (now E-Verify), noted that the presence of unauthorized aliens on a contractor's workforce rendered that contractor's workforce less stable and reliable than the workforces of contractors who do not employ unauthorized aliens. The executive order entitled ''Economy and Efficiency in Government Procurement Through Compliance with Certain Immigration and Nationality Act Provisions and Use of an Electronic Employment Eligibility Verification System'' of June 6, 2008, amends Executive Order 12989 and, together with the Designation by the Secretary of Homeland Security, directs Federal agencies, in light of the recent advances in the reliability, convenience, and accuracy of the E-Verify system, to use this powerful tool to avoid both the general inefficiencies that flow from contracting with employers burdened with unstable workforces as well as the direct costs of disruptions to Federal contract performance that result when unauthorized aliens are found in, and must be subsequently removed from, the Federal contract workforce.

This proposed rule inserts a clause into Federal contracts committing Government contractors to use the United States Citizenship and Immigration Service (USCIS) E-Verify System to verify that all of the contractors' new hires, and all employees (existing and new) directly engaged in the performance of work under Federal contracts, are authorized to work in the United States. The E-Verify System is expected to help contractors avoid employment of unauthorized aliens and will assist Federal agencies to avoid contracting with companies that knowingly hire unauthorized aliens. This enhances the Government's ability to protect national security and ensure compliance with the nation's immigration laws—core aspects of the Government's mission that otherwise could be compromised by the presence of unauthorized aliens in Government facilities or by the employment of unauthorized aliens in the Government's supply chain. It also protects U.S. workers by creating another disincentive for companies to hire unauthorized aliens who may command lower wages.

In summary, the proposed rule—

1. Requires insertion of a clause into Government prime contracts that include work in the United States, other than those that do not exceed the micro-purchase threshold (generally $3,000), or that are for commercially available off-the-shelf (COTS) items or items that would be COTS items but for minor modifications (the rule adopts the statutory definition of COTS).

2. Requires inclusion of the clause in subcontracts over $3,000 for services or for construction.

3. Requires a contractor or subcontractor to enroll in the E-Verify program within 30 days of contract award, begin verifying the employment eligibility of all new employees of the contractor or subcontractor that are hired after enrollment in E-Verify, and continue to use the E-Verify program for the life of the contract.

4. Requires contractors and subcontractors to use E-Verify to confirm the employment eligibility of all existing employees who are directly engaged in the performance of work under the covered contract.

5. Applies to solicitations issued and contracts awarded after the effective date of the final rule in accordance with FAR 1.108(d). Under the final rule, Departments and agencies should, in accordance with FAR 1.108(d)(3), amend existing indefinite-delivery/indefinite-quantity contracts to include the clause for future orders if the remaining period of performance extends at least six months after the effective date of the final rule and the amount of work or number of orders

expected under the remaining performance period is substantial.

6. In exceptional circumstances, allows a head of the contracting activity to waive the requirement to include the clause. This authority is not delegable.

The proposed rule applies only to employment in the United States as defined at section 101(a)(38) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.* ''United States'' includes the fifty States and the District of Columbia, Guam, Puerto Rico, and the United States Virgin Islands. It does not currently include the United States territories of American Samoa and the Commonwealth of the Northern Mariana Islands. Under the Consolidated Natural Resources Act of 2008, Federal immigration law will begin to apply—through a phased process—to the Commonwealth of the Northern Mariana Islands starting in mid-2009. At this time, however, these two territories have their own immigration laws and are not covered by the employment verification requirements of INA section 274A, 8 U.S.C. 1324a (see Form I–9). The proposed rule also does not apply to any employment outside the United States, including work on United States embassies or military bases in foreign countries. Finally, the proposed rule does not apply to any employee hired prior to November 6, 1986, as these employees are not subject to employment verification under INA section 274A, 8 U.S.C. 1324a.

The Councils are attempting to balance competing needs in drafting this rule. It was written to apply the requirements in a manner to ensure effective compliance by the contractor community, but it exempts certain prime contracts and subcontracts when the cost of compliance would likely outweigh the benefits, e.g., COTS items. Comments are solicited with regard to how well this balance has been achieved.

The E-Verify program is an internet-based system operated by USCIS, in partnership with the Social Security Administration (SSA), and requirements for obtaining access to E-Verify and procedures for the use of E-Verify are established by the Department of Homeland Security (DHS), USCIS's parent agency. Before an employer can participate in the E-Verify program, the employer must enter into a Memorandum of Understanding (MOU) with DHS and SSA. This MOU requires employers to agree to abide by current legal hiring procedures and to ensure that no employee will be unfairly discriminated against as a result of the E-Verify program. Violation of the terms of this agreement by the employer is grounds for immediate termination of its participation in the program. Employers participating in E-Verify must still complete an Employment Eligibility Verification Form (Form I–9) for each newly hired employee, as required under current law. Following completion of the Form I–9, the employer must enter the worker's information into the E-Verify website, and that information is then checked against information contained in SSA and USCIS databases.

SSA first verifies that the name, SSN, and date of birth are correct and, if the employee has stated that he or she is a U.S. citizen, confirms whether this is in fact the case through its databases. If the employee is a U.S. citizen, SSA establishes that the employee is employment-eligible. USCIS also verifies through database checks that any non-U.S. citizen employee is in an employment-authorized immigration status.

If the information provided by the worker matches the information in the SSA and USCIS records, no further action will generally be required, and the worker may continue employment. E-Verify procedures require only that the employer record on the I–9 form the verification ID number and result obtained from the E-Verify query, or print a copy of the transaction record and retain it with the I–9 form.

If SSA is unable to verify information presented by the worker, the employer will receive an ''SSA Tentative Nonconfirmation'' notice. Similarly, if USCIS is unable to verify information presented by the worker, the employer will receive a ''DHS Tentative Nonconfirmation'' notice. Employers can receive a tentative nonconfirmation notice for a variety of reasons, including inaccurate entry of information into the E-Verify Web site, name changes, or changes in immigration status that are not reflected in the database. If the individual's information does not match the SSA or USCIS records, the employer must provide the employee with a written notice of the fact, called a ''Notice to Employee of Tentative Nonconfirmation.'' The worker must then indicate on the notice whether he or she contests or does not contest the tentative nonconfirmation, and both the worker and the employer must sign the notice.

If the worker chooses to contest the tentative nonconfirmation, the employer must print a second notice, called a ''Referral Letter,'' which contains information about resolving the tentative nonconfirmation, as well as the contact information for SSA or USCIS, depending on which agency was the source of the tentative nonconfirmation. The worker then has eight Federal Government work days to visit an SSA office or call USCIS to try to resolve the discrepancy. Under the E-Verify MOU, if the worker contests the tentative nonconfirmation, the employer is prohibited from terminating or otherwise taking adverse action against the worker while he or she awaits a final resolution from the Federal Government agency. If the worker fails to contest the tentative nonconfirmation, or if SSA or USCIS was unable to resolve the discrepancy the employer will receive a notice of final nonconfirmation and the employee may be terminated.

Participation in E-Verify does not exempt the employer from the responsibility to complete, retain, and make available for inspection Forms I–9 that relate to its employees, or from other requirements of applicable regulations or laws; however, the following modified requirements apply by reason of the employer's participation in E-Verify: (1) Identity documents used for verification purposes must have photos; (2) if an employer obtains confirmation of the identity and employment eligibility of an individual in compliance with the terms and conditions of E-Verify, a rebuttable presumption is established that the employer has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act (INA) with respect to the hiring of the individual; (3) the employer must notify DHS if it continues to employ any employee after receiving a final nonconfirmation, and is subject to a civil money penalty between $500 and $1,000 for each failure to notify DHS of continued employment following a final nonconfirmation; (4) if an employer continues to employ an employee after receiving a final nonconfirmation and that employee is subsequently found to be an unauthorized alien, the employer is subject to a rebuttable presumption that it has knowingly employed an unauthorized alien in violation of section 274A(a); and (5) no person or entity participating in E-Verify is civilly or criminally liable under any law for any action taken in good faith based on information provided through the confirmation system.

Further information on registration for and use of E-Verify can be obtained via the internet at *http://www.dhs.gov/E-Verify.*

This proposed rule differs in one significant respect from the requirements generally applicable to employers participating in E-Verify; that is, current employees of Federal contractors that are assigned to work in

the United States on a covered Federal contract, as well as the contractor's new hires in the United States, must be verified under this rule. In the initial contract start-up phase, employees assigned to the contract must be verified within 30 days; thereafter, the proposed rule requires newly hired and newly assigned employees to be verified within 3 days. Requiring employment eligibility confirmation of all workers assigned to a new Government contract is mandated by the June 6, 2008, Executive Order amending Executive Order 12989, is most consistent with the Federal Government's own obligation to use E-Verify when hiring Federal employees, and will most effectively ensure that the Federal Government does not indirectly exploit an illegal labor force.

USCIS is in the process of revising its MOU, program manual, training materials, Web site, and other E-Verify System materials to reflect the duties that Federal contractors will take on when they sign a contract containing the clause promulgated by this proposed rule. Those E-Verify System accommodations will make this proposed FAR amendment and the E-Verify System consistent for Federal contractors, but will not apply to E-Verify users who are not required to comply with the contract clause promulgated by this rule. Federal contractors' compliance with that revised MOU will be a performance requirement under the terms of the Federal contract or subcontract, and the contractor must consent to the release of information relating to compliance with its verification responsibilities to contracting officers or other officials authorized to review the Employer's compliance with Federal contracting requirements. A revised MOU reflecting the program participation requirements for Federal contractors has been placed in the docket for this rulemaking and will be available online at *http://www.regulations.gov.*

B. Executive Order 12866 Regulatory Planning and Review

This is a significant regulatory action and, therefore, was subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is a major rule under 5 U.S.C. 804.

A Regulatory Impact Analysis that more thoroughly explains the assumptions used to estimate the cost of this proposed rule is available in the docket. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* A summary of the cost and benefits of the proposed rule follows:

In the initial fiscal year, the rule is expected to be effective (2009), we estimate that there will be approximately 168,324 contractors and subcontractors that will be required to enroll in E-Verify due to this rule and there will be an additional 3.8 million employees vetted through E-Verify. In the initial year, the cost of the proposed rule at 7% net present value is approximately $107.0 million and, over the ten-year period of analysis (2009–2018), the cost of the proposed rule is approximately $550.3 million. In the initial year, the cost of the proposed rule at 3% net present value is approximately $111.2 million and, over the ten-year period of analysis (2009–2018), the cost of the proposed rule is $668.9 million. Compliance costs from participating in the E-Verify program fall into the following general categories and Table 1 below provides a summary of the costs:

- Startup Costs—Employers must register to use the E-verify system and sign a Memorandum of Understanding with USCIS and SSA. A very small number of employers may need to purchase a computer and internet connection for their hiring site if that hiring site does not already have internet access.
- Training—Employees that use the E-Verify system are required to take an on-line tutorial. While USCIS does not charge a fee for this training, employers will incur the opportunity cost of the time the employee spends for this training, as the employee's time could have been spent on other activities.
- Employee Verification—Employers will incur the opportunity cost of the time spent entering data into E-Verify and, if the employee receives a tentative nonconfirmation, employers would inform the employee and spend time closing out the case after resolution of the tentative nonconfirmation. In addition, the employer would incur lost productivity when an employee would need to be away from work to visit SSA to correct his/her information. We believe the employee would bear the cost of driving to SSA.
- Employee Replacement (Turnover) Cost—There may be a small percentage of workers who are authorized to work in the U.S. and receive a tentative nonconfirmation, but choose not to take the steps necessary to resolve the tentative nonconfirmation (despite the strong economic incentives to resolve the issue). To the extent that the accompanying E-Verify rulemaking results in the termination of a worker authorized to work in the U.S., those costs could be considered to be a cost of the rule. However, the termination and replacement costs of unauthorized workers are not counted as a direct cost of this rule since current immigration law prohibits employers from hiring or continuing to employ aliens whom they know are not authorized to work in the U.S. The termination and replacement of unauthorized employees will impose a burden on employers, but INA section 274A(a)(1), (2), 8 U.S.C. 1324a(a)(1), (2), expressly prohibits employers from hiring or continuing to employ an alien whom they know is not authorized to work in the United States. Accordingly, costs that result from employers' knowledge of their workers' illegal status are attributable to the Immigration and Nationality Act, not to the Federal Acquisition Regulation requiring Employment Eligibility Verification for certain federal contractors and subcontractors.
- Federal Government Cost—The Government will incur operating costs from each query that an employer executes and will also incur costs from resolving tentative nonconfirmations.

TABLE 1.—10 YEAR COST OF PROPOSED RULE

[7% Present value]

Year	Employer			Employee	Government	Total
	Startup & training costs	Authorized employee replacement cost	Verification cost	Verification cost	Verification cost	
2009	$ 61,630,740	$18,980,895	$24,174,247	$677,403	$ 1,547,194	$107,010,479
2010	28,859,143	9,840,872	12,533,427	351,208	802,161	52,386,811
2011	28,319,789	9,656,932	12,299,159	344,643	787,167	51,407,690
2012	27,790,462	9,476,427	12,069,267	338,201	772,454	50,446,811
2013	28,040,474	9,299,296	11,843,671	331,880	758,015	50,273,336
2014	27,516,328	9,125,478	11,622,295	325,676	743,847	49,333,625
2015	27,002,030	8,954,912	11,405,060	319,589	729,944	48,411,535
2016	26,497,248	8,787,531	11,191,882	313,615	716,300	47,506,576
2017	26,589,062	8,623,278	10,982,689	307,753	702,911	47,205,693

TABLE 1.—10 YEAR COST OF PROPOSED RULE—Continued

[7% Present value]

Year	Employer			Employee	Government	Total
	Startup & training costs	Authorized employee replacement cost	Verification cost	Verification cost	Verification cost	
2018	26,092,101	8,462,096	10,777,406	302,001	689,773	46,323,377
Total	308,337,378	101,207,717	128,899,103	3,611,970	8,249,766	550,305,932

Because illegal aliens are at risk of being apprehended in immigration enforcement actions, contractors who hire illegal aliens will necessarily have a more unstable workforce than contractors who do not hire unauthorized workers. Given the vulnerabilities in the I–9 system, many employers that do not knowingly employ illegal aliens nevertheless have unauthorized workers, undetected, on their workforce.

This rule will promote economy and efficiency in Government procurement. Stability and dependability are important elements of economy and efficiency. A contractor whose workforce is less stable will be less likely to produce goods and services economically and efficiently than a contractor whose workforce is more stable. Because of the Executive Branch's obligation to enforce the immigration laws, including the detection and removal of illegal aliens identified through vigorous worksite enforcement, contractors that employ illegal aliens cannot rely on the continuing availability and service of those illegal workers, and such contractors inevitably will have a less stable and less dependable workforce than contractors that do not employ such persons. Where a contractor assigns illegal aliens to work on Federal contracts, the enforcement of Federal immigration laws imposes a direct risk of disruption, delay, and increased expense in Federal contracting. Such contractors are less dependable procurement sources, even if they do not knowingly hire or knowingly continue to employ unauthorized workers.

Contractors that use E-Verify to confirm the employment eligibility of their workforce are much less likely to face immigration enforcement actions, and are generally more efficient and dependable procurement sources than contractors that do not use that system to verify the work eligibility of their workforce. Rigorous employment verification through E-Verify will also help contractors to confirm the identity of the persons working on Federal contracts, enhancing national security at less expense to the Government than it would cost for contractors to obtain more rigorous security clearances. This is likely to be particularly beneficial where contractors operate at sensitive national infrastructure sites.

B. Regulatory Flexibility Act

The Councils expect this rule to impact nearly every small entity in the Federal contractor base. However, the direct cost this rule imposes does not appear to have a significant economic impact on a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. An Initial Regulatory Flexibility Analysis has been prepared and the results of the analysis show that the direct cost of this rule on an average cost per contractor basis does not appear to rise to the level of being economically significant; however, the Councils request comments on this finding. The Councils expect this rule to carry certain benefits to employers in that it provides an economical, Web-based method for performing verification of employment eligibility of employees, improving the reliability of the employment verification procedures employers are already required to perform. Federal contractors' participation in E-Verify is also expected to reduce the likelihood that contractors will discover long after the fact that they have hired unauthorized aliens, thereby sparing contractors the cost of terminating and replacing employees not authorized to work under Federal immigration law after resources have been expended on the training of those employees. An Initial Regulatory Flexibility Analysis has been prepared for public comment and is summarized as follows:

The June 6, 2008 Executive Order, amending Executive Order 12989, 61 FR 6091 (February 15, 1996), prohibits Federal agencies from contracting with companies that knowingly hire employees not eligible to work in the United States and instructs Federal agencies to contract with companies that agree to use an electronic employment verification system to confirm the employment eligibility of their workforce. The E-Verify System is the best available means for contractors and subcontractors to verify employment eligibility. Consequently, this proposed rule is being promulgated to institute a contractual requirement for contractors and subcontractors to utilize E-Verify as the means of verifying that all new hires of the contractor or subcontractor and all employees directly engaged in performing work under covered contracts or subcontracts are eligible to work in the United States. The proposed rule adds a new FAR Subpart 22.18 and a new clause.

The prohibition against Federal agencies contracting with companies that knowingly hire employees not eligible to work in the United States has existed since 1996. Virtually all employers in the United States, including Federal Government contractors and subcontractors, are prohibited from hiring an individual without verifying his or her identity and authorization to work and from continuing to employ an alien whom they know is not authorized to work in the United States (section 274A(a) of the Immigration and Nationality Act of 1952, as amended (INA), 8 U.S.C. 1324a; 8 CFR part 274A). Many aliens, including lawful permanent residents, refugees, asylees, and temporary workers petitioned by a U.S. employer, are authorized to work in the United States (see 8 CFR 274a.12, listing classes of work-authorized aliens).

The new contractual requirement to use the E-Verify System will enhance the Government's ability to protect national security and ensure compliance with the nation's immigration laws—core aspects of the Government's mission that otherwise could be compromised by the presence of unauthorized aliens in Government facilities or by the employment of unauthorized aliens in the Government's supply chain.

This rule will impact nearly every small entity in the Federal contractor base. Major exceptions are contractors providing commercially available off-the-shelf (COTS) items and COTS items with only minor modifications and subcontractors that provide supplies, not services or construction. In Fiscal Year 2006, there were over 100,000 small businesses that received direct Federal contracts. While there are no reliable numbers for subcontracts awarded to small businesses, the Dynamic Small Business database of the Central Contractor Registration—a database of basic business information for contractors that seek to do business with the Federal Government—gives a number of 324,250 small business profiles that are registered. Assuming that 50% of these small businesses contract with the Federal Government at either the prime or subcontract level, then that number is 162,125 small businesses.

We have placed in the public docket a detailed Regulatory Impact Analysis of the compliance requirements of this rule. Generally, employers will incur opportunity cost of the time expenses for the time their employees will spend complying with the requirements of the regulation. Employees will need to be trained in order to be able to operate the E-Verify system, as well as spend time on processing employee verifications. Employers will incur start-up costs from enrolling in the E-Verify program. We believe a small number of employers may need to

purchase a computer and Internet connection for their hiring site. Certain employee replacement (turnover) costs may also be incurred due to this regulation.

In order to further inform our understanding of the economic impact of this rule on small entities, we considered hypothetical contractors with 10, 50, 100, and 500 employees and estimated the economic impact of the rule on those four sizes of entities in their initial year of enrollment. The initial year a contractor enrolls in E-Verify is expected to be the year with the highest compliance cost, as the contractor is incurring both the start-up costs of enrolling in E-Verify as well as the costs of vetting employees through the E-Verify system.

We estimate the average direct cost of this rule to a contractor with 10 employees to be $419 in the initial year; for a contractor with 50 employees, we estimate the average direct cost of participating in E-Verify to be $1,168 in the initial year; for a contractor with 100 employees we estimate an initial year impact of $2,102; while a contractor with 500 employees is expected to have an initial year impact of $8,964. This level of direct cost burden is well under 1% of the expected annual revenue of these four sizes of entities and does not appear to represent an economically significant impact on an average direct cost per contractor basis. To the extent that some small entities incur direct costs that are higher than the average estimated costs, those employers may reasonably be expected to face a significant economic impact.

As discussed previously, we do not consider the cost of complying with preexisting immigration statutes to be a direct cost of this rulemaking. Thus, while some employers may find the costs incurred by replacing employees that are not authorized to work in the United States to be economically significant, those costs of complying with the Immigration and Nationality Act are not direct costs attributable to this rule.

In addition, the requirement for entities (both large and small) to enroll in E-Verify only applies to contractors and subcontractors who choose to perform certain work for the Federal Government. If an entity does believe that participating in E-Verify would impose a significant economic impact on their operation, the entity would make a business decision whether the revenue generated by doing business with the Federal Government would provide a financial return sufficient to justify the cost of such participation in E-Verify. Presumably, entities which do not receive the desired return on revenue to justify the expense of participating in E-Verify would choose not to be a Federal contractor or subcontractor.

The Councils seek further comment on the actual costs or expenditures, if any, of registering for and using the E-Verify System and the extent to which these costs may differ or vary for small entities.

The Councils are unaware of any duplicative, overlapping, or conflicting Federal rules. There are current requirements for all employers, not just Federal contractors and subcontractors, to verify the employment eligibility of their newly hired employees. These requirements have existed since 1986. Arguably related rules include DHS's ''No-Match'' rule, which provides guidance to employers on how best to respond to the Social Security Administration's (SSA) no-match letters, through which employers are alerted annually about their employees whose names and Social Security numbers submitted on tax forms do not match up to the information in the SSA's database. Although this ''No-Match'' rule concerns the SSA's letters generated from one of the data sources used by the E-Verify system, the ''No-Match'' rule is not associated with use of the E-Verify System. The two rules interact insofar as use of E-Verify—and the resulting strengthening of Federal contractors' employment verification processes—is expected to reduce the incidence of SSA ''No-Matches'' in the Federal contract workforce resulting from the employment of unauthorized alien workers. But the ''No-Match'' rule is designed to assist employers to ensure that their entire existing workforce remains work-authorized, while this proposed amendment to the Federal Acquisition Regulation is designed to ensure that unauthorized aliens are not brought into the Federal Government's contractor workforce.

The Councils considered the following alternatives in order to minimize the impact on small business concerns:

- Whether to require E-Verify participation as a preaward eligibility requirement or treat it as a postaward contract performance requirement. The proposed rule is distinct from the existing E-Verify program, in that it would require E-Verify queries to be performed on certain existing employees of a contractor, and the Councils believe that the obligations created by the rule should be codified as a post-award contract performance requirement.
- Whether the use of E-Verify should be required for existing employees of the contractor that are assigned to work under the Government contract, or should be limited only to the new hires of the contractor. The Councils decided that requiring employment eligibility confirmation of all workers assigned to a new Government contract was most consistent with the Federal Government's own obligation to use E-Verify when hiring Federal employees, and would most effectively ensure that the Federal Government does not indirectly exploit an illegal labor force.
- Whether to require contractors to use E-Verify only for new hires that would be assigned to work under a Government contract, and exclude all other new hires of the contractor from the E-Verify requirement. The Councils decided that requiring contractors to use the E-Verify program as part of their standard hiring practices would simplify employment verification, and better conforms with a principal goal of the rule to ensure that the Federal Government does business with companies that do not employ unauthorized aliens.
- Whether the use of E-Verify should be required for all prime contracts or only for those contracts that do not call for COTS items or items that would be COTS items but for minor modifications, as defined at FAR Part 2, containing the definition of a commercial item. Because COTS suppliers by definition do not specialize in serving the Federal Government, and because the Government might lose access to COTS suppliers if they determine the cost of complying with the rule outweighs their gains from Government business, the Councils decided not to require the use of E-Verify for COTS items and items that would be COTS but for minor modifications.
- Whether the requirements of the rule should flow down to all subcontracts or should be limited to subcontracts for services or construction. The Councils determined to apply the proposed rule only to subcontracts for commercial or noncommercial services, including construction. It does not apply to subcontracts for material or to subcontracts less than $3,000.

The FAR Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected Subpart FAR 22.18 in accordance with 5 U.S.C. 610. Comments must be submitted separately and should cite 5 U.S.C 601, *et seq.* (FAR case 2007–013), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the proposed rule contains information collection requirements over and above the burden hours already approved for the E-Verify System. The OMB control number for the currently approved Information Collection Request is 1615–0092. The Privacy Impact Assessments and the System of Records Notice for the E-Verify program may be found at *http://www.dhs.gov/xinfoshare/publications/editorial_0511.shtm#4* and at 73 FR 10793. Although the E-Verify System has a currently approved Paperwork Reduction Act clearance, we are seeking an additional approval for this proposed amendment to the FAR because the proposed FAR rule will increase the number of E-Verify users. The OMB control number for the currently approved Information Collection Request is 1615–0092. This additional burden is created by the requirement in this rule to verify employment eligibility of certain current employees in each contractor's existing workforce. Also included in the additional burden estimate is the number of employers and employees that would not have utilized E-Verify but for the issuance of this rule. Accordingly, the Councils will forward a request for approval of a new

information collection requirement concerning this burden to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Public comments concerning this request will be invited through a subsequent **Federal Register** notice.

Annual Reporting Burden: The number of Respondents estimated below is the average number of covered contractors and subcontractors per year for the first three years the rule is in effect. The number of total annual responses is the sum of the MOUs that must be signed by each employer, the number of employer registrations, the number of employees that undergo training, and the average number of E-Verify queries per year for the first three years the rule is in effect. Public reporting burden for this collection of information is estimated to average .40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 177,196.

Responses per respondent: 21.05.

Total annual responses: 3,729,406.

Preparation hours per response: .40 hrs.

Total response burden hours: 1,500,357.

D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than August 11, 2008 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VPR), 1800 F Street, NW., Room 4035, Washington, DC 20405.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR and will have practical utility; whether the above estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which the burden of the collection of information can be minimized on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (VR), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000-XXXX in all correspondence.

List of Subjects in 48 CFR Parts 2, 12, 22 and 52

Government procurement.

Dated: June 10, 2008.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 2, 12, 22, and 52 as set forth below:

1. The authority citation for 48 CFR parts 2, 12, 22, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 in paragraph (b)(2), in the definition ''United States,'' by redesignating paragraphs (5) through 8 as paragraphs (6) through 9, respectively, and adding a new paragraph (5) to read as follows:

2.101 Definitions.

* * * * *

(b) * * *

(2) * * *

* * * * *

United States, * * *

* * * * *

(5) For use in Subpart 22.18, see the definition at 22.1801.

* * * * *

PART 12—ACQUISITION OF COMMERCIAL ITEMS

3. Amend section 12.301 by adding paragraph (d)(3) to read as follows:

12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(d) * * *

(3) Insert the clause at 52.222–XX, Employment Eligibility Verification, as prescribed in 22.1803.

* * * * *

4. Amend section 22.102–1 by removing from the end of paragraph (g) the word ''and''; removing the period from the end of paragraph (h) and adding ''; and'' in its place; and adding paragraph (i) to read as follows:

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.102–1 Policy.

* * * * *

(i) Eligibility for employment under United States immigration laws.

5. Add subpart 22.18 to read as follows:

Subpart 22.18—Employment Eligibility Verification

Sec.
22.1800 Scope.
22.1801 Definitions.
22.1802 Policy.
22.1803 Contract clause.

22.1800 Scope.

This subpart prescribes policies and procedures requiring contractors to utilize the United States Citizenship and Immigration Service's employment eligibility verification program (E-Verify) as the means for verifying employment eligibility of certain employees.

22.1801 Definitions.

As used in this subpart—

Assigned employee means an employee who was hired after November 6, 1986, who is directly performing work, in the United States, under a contract that is required to include the clause prescribed at 22.1803.

Commercially available off-the-shelf (COTS) item—

(1) Means any item of supply that is—

(i) A commercial item (as defined in paragraph (1) of the definition at FAR 2.101);

(ii) Sold in substantial quantities in the commercial marketplace; and

(iii) Offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.

United States, as defined in 8 U.S.C. 1101(a)(38), means the 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

22.1802 Policy.

(a) Statutes and executive orders require employers to abide by the immigration laws of the United States and to employ in the United States only individuals who are eligible to work in the United States. The E-Verify program provides an Internet-based means of verifying employment eligibility of workers employed in the United States, but is not a substitute for any other employment eligibility verification requirements.

(b) Contracting officers shall include in contracts, as prescribed at 22.1803, a requirement for contractors to—

(1)(i) Enroll in the E-Verify program within 30 calendar days of contract award, and use E-Verify within 30 calendar days thereafter to verify employment eligibility of their employees assigned to the contract at the time of enrollment in E-Verify; or

(ii) If the contractor is already enrolled in E-Verify, use E-Verify within 30 calendar days of contract award to verify employment eligibility of their employees assigned to the contract; and

(2) Following this initial period, initiate verification of all new hires of the contractor and of all employees newly assigned to the contract within three business days of their date of hire or date of assignment to the contract.

(c) *Subcontractor flowdown*. The contracting officer shall require contractors to flow down the requirement to use E-Verify to subcontracts that—

(1) Are for commercial or noncommercial services or construction;

(2) Exceed $3,000; and

(3) Include work performed in the United States.

(d) In exceptional cases, the head of the contracting activity may waive the requirement to insert the clause at 52.222–XX, Employment Eligibility Verification, for a contract or subcontract or a class of contracts or subcontracts. This waiver authority may not be delegated.

22.1803 Contract clause.

Insert the clause at 52.222–XX, Employment Eligibility Verification, in all solicitations and contracts, except those that—

(a) Are for commercially available off-the-shelf items or items that would be COTS items, but for minor modifications (as defined at paragraph (3)(ii) of the definition of ''commercial item'' at FAR 2.101);

(b) Are under the micro-purchase threshold; or

(c) Do not include any work that will be performed in the United States.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Add section 52.222–XX to read as follows:

52.222–XX Employment Eligibility Verification.

As prescribed in 22.1803 and 12.301(d)(3), insert the following clause:

EMPLOYMENT ELIGIBILITY VERIFICATION ([DATE])

(a) *Definitions*. As used in this clause—

(1) *Assigned employee* means an employee who was hired after November 6, 1986, who is directly performing work, in the United States, under a contract that is required to include the clause prescribed at 22.1803.

(2) *United States*, as defined in 8 U.S.C. 1101(a)(38), means the 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

(b) The Contractor shall—

(1) Enroll in the E-Verify program within 30 calendar days of contract award;

(2) Use E-Verify to verify the employment eligibility of all assigned employees; and

(3) Comply, for the period of performance of this contract, with the requirements of the E-Verify program, including, but not limited to, verifying the employment eligibility of all new employees of the Contractor.

(c) Information on registration for and use of the E-Verify program can be obtained via the Internet at the Department of Homeland Security Web site: *http://www.dhs.gov/E-Verify*.

(d) *Initiation of verification*. The Contractor shall initiate a verification query—

(1) Within 30 calendar days of its enrollment in the E-Verify program, for each assigned employee who is assigned to the contract at the time of enrollment in the E-Verify program;

(2) Within three business days of the date of assignment to this contract, or within 30 days of the award of the contract to which the employee is assigned, whichever is later, for each assigned employee who is assigned to the contract after the date of enrollment in the E-Verify program; and

(3) Within three business days of the date of employment, for all employees of the Contractor hired after the date of enrollment in the E-Verify program.

(e) *Individuals previously verified*. The Contractor is not required by this clause to perform additional employment verification using E-Verify for any employee whose employment eligibility was previously verified by the Contractor through the E-Verify program.

(f) *Subcontractor flowdown*. The Contractor shall flow down the requirements of this clause, including this paragraph (f) (appropriately modified for identification of the parties), to each subcontract that—

(1) Is for commercial or noncommercial services or construction;

(2) Exceeds $3,000; and

(3) Includes work performed in the United States.

(End of clause)

[FR Doc. E8–13358 Filed 6–11–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 071001548–7827–02]

RIN 0648–AW10

Marine Recreational Fisheries of the United States; National Saltwater Angler Registry Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement section 401(g) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The regulations would establish a national registry of recreational fishers fishing in the Exclusive Economic Zone (EEZ), for anadromous species throughout their range or for Continental Shelf fishery resources beyond the EEZ. It also would exempt persons from that requirement if licensed by a state that provides registration data determined to be sufficient for the agency's needs. The requirement is intended to improve existing angling effort surveys in order to improve their efficiency, to reduce possible sources of bias and to improve confidence in survey results by anglers and fishery managers.

DATES: Comments must be received by August 11, 2008.

ADDRESSES: You may submit comments, identified by RIN 0648–AW10, by any of the following methods:

- Electronic submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*
- Fax: 301–713–1875, Attn: Gordon Colvin.
- Mail: John Boreman, Director, Office of Science and Technology, NMFS, 1315 East West Highway, Silver Spring, MD 20910, Attn: Gordon Colvin.

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

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

FOR FURTHER INFORMATION CONTACT: Gordon Colvin, phone: 301–713–2367; fax: 301–713–1875; or e-mail: *gordon.colvin@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This proposed rule is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.access.gpo.gov/su__docs/*. Background informationand documents are available at the NMFS Office of Science and Technology Web site at*http://www.st.nmfs.noaa.gov/mrii/index.html*.

Background

In 2004, NMFS contracted with the National Research Council (NRC) of the National Academy of Sciences to review the current marine recreational fishery survey methods used by NMFS and its partners to monitor fishing effort and catch. NMFS asked the NRC to: (1) assess current survey methods for their suitability in monitoring fishing effort and catch in the shoreline, private boat, and for-hire boat recreational fisheries; (2) assess the adequacy of the methods for providing the quality of information needed to support accurate stock assessments and responsible fisheries management decisions; and (3) make recommendations for possible methodological improvements that would ensure more accurate and precise estimates of recreational effort and catch.

The NRC's Ocean Studies Board formed a 10–member committee to conduct the requested review, held a series of five public meetings in 2005 to gather information about the current survey programs in each region, and published a final report in April 2006 [*http://fermat.nap.edu/catalog/11616.html*]. The NRC report identified a number of potential problems with the sampling and estimation designs employed in the current surveys and questioned the adequacy of the existing surveys in providing the statistics needed to support accurate stock assessments and appropriate fishery management decisions. The report recommended that current surveys be redesigned to improve their effectiveness, the appropriateness of their sampling procedures, their applicability to various kinds of management decisions, and their usefulness for social and economic analyses. The NRC review deferred to NMFS to develop a process to determine the highest priority changes given the costs and benefits of any specific improvement.

NMFS is proposing the National Saltwater Angler Registry Program (''Registry Program'') to implement the recommendations of the NRC review. Among its findings, the NRC review found that current recreational survey approaches, which rely on random telephone contacts with residents of coastal county households to collect marine recreational fishing effort data, result in significant survey over-coverage since relatively few households include active anglers, and under-coverage since some anglers do not live in coastal counties or they live in coastal counties but do not have landline telephones. The review advised that over-coverage results in severe sampling inefficiency, and that under-coverage may lead to serious bias in the resultant effort estimates since anglers from non-coastal counties are likely to have different effort characteristics than those from coastal counties. To resolve these problems, the NRC Panel recommended the development of and subsequent sampling from a comprehensive national saltwater angler registry. The panel further recommended that the registry be established either by implementing a federal registration requirement or by expanding current state saltwater licenses to include all saltwater anglers.

Partially in response to the NRC Panel's findings and recommendations, Congress passed section 401(g) of the MSA, which requires the Secretary of Commerce to establish a program to improve the quality and accuracy of current estimates of marine recreational fishing catch and effort by January 1, 2009, in a manner that considers and, to the extent feasible, incorporates the NRC Panel's recommendations. As part of the program, section 401(g)(1) of the MSA requires the Secretary to register, and collect identification and contact information for, anglers and for-hire vessels if they fish in the EEZ, for Continental Shelf fishery resources beyond the EEZ or for anadromous species throughout their range, including state waters. Further, the Secretary is to exempt from the federal registration requirement those anglers and vessels that are licensed or registered by a state if the state provides sufficient identification and contact information for use in recreational surveys. The resultant federal Registry must address both the qualifications and procedures for registering anglers and vessels and for exempting qualified states' anglers and vessels from the federal registration requirement.

The program must also recognize and balance two important provisions of the NRC recommendations and the provisions of section 401(g) of the MSA. First, the NRC Panel's scientific advice is clear that a universal registry or license-based list of all saltwater anglers, without exceptions based on exemptions to state or federal registration requirements, is essential. Second, the federal registration requirements of section 401(g) of the MSA apply to saltwater anglers fishing in state waters (territorial sea or internal waters) when they are taking anadromous fish. Therefore, some salt water anglers fishing in state waters would not be required to register under this section, although they may be subject to permitting and other requirements under other sections of the MSA. Accordingly, it is necessary for states and NMFS to work in collaboration to build registries of saltwater anglers that include anglers currently exempted or not covered by state license or registration requirements and that also include anglers who are fishing for non-anadromous marine fish in state waters.

The proposed rule was developed consistent with the foregoing program requirements. It is intended to facilitate the development of a national registry or data base of identification and contact information for marine recreational anglers and for-hire fishing vessels. The registry data will be compiled in a series of regional directories to be used to support surveys of anglers and vessel operators to determine their angling effort and related data, as recommended by the NRC Panel and as required by section 401(g)(1) of the MSA.

The proposed rule would require persons who are angling or spear fishing or in possession of fish or operating a vessel that carries recreational fishing passengers for-hire in the EEZ, or who are angling or spear fishing or operating a vessel that carries recreational fishing passengers for-hire and who are in possession of anadromous species, to register annually with NMFS. The registration requirement would become effective January 1, 2009. Section 401(g) of the MSA provides that the Secretary may not charge a fee for anglers or vessels to register with NMFS until January 1, 2011. The proposed rule would implement a registration fee to be specified at the time of implementation, currently estimated to be in the range of $15 to $25 per year, beginning in calendar year 2011.

Anglers and for-hire vessel operators would be exempt from the requirement

to register annually if they held a license issued by, or were registered by, a state which had qualified as an exempted state as described below. Persons who hold a state or federal commercial fishing license or permit, and who are lawfully fishing or in possession of fish pursuant to such license or permit, would not be required to register; however, holders of commercial licenses or permits who are angling or spear fishing recreationally, outside the terms and conditions of the commercial license or permit, would be required to register. Anglers under the age of 16 would be exempt from the mandatory registration requirement, although they could register voluntarily, at no cost. This exception is proposed, in part, due to the practical difficulty of conducting telephone surveys of, and of enforcing a registration requirement for, minors. Furthermore, in most cases, adult anglers reside in households in which minor anglers reside; such adults would need to register and, if contacted by surveys, would be able to provide the angling effort information for minors residing in the same household. Anglers fishing on registered for-hire fishing vessels also would be exempt from the registration requirement.

The fee for registering would be waived for non-commercial fishing by indigenous people, but the requirement to register would not. The proposed fee waiver recognizes that, for many indigenous people, fishing is motivated primarily by a desire to gather food for family or community use and/or for cultural reasons. Although it is necessary to require indigenous fishers to register in order to assure that the registration requirement is enforceable and to ensure complete data collection, it is appropriate to waive the registration fee in consideration of the cultural nature of non-commercial fishing by many indigenous people.

The proposed rule also would establish the procedures and guidelines by which states may be designated as exempted states. A state would apply for designation by submitting a proposal that addresses the requirements as noted below. A Memorandum of Agreement (''MOA'') between NMFS and each state would be executed to establish the terms of designation. States would be eligible to be designated as exempted states in two ways: (1) by submitting state angler and for-hire vessel license holder data to NMFS for inclusion in a national or regional registry data base; or (2) by participating in regional surveys of recreational catch and effort and making the resultant data available to NMFS. The proposed regulations for exempted state designation are designed to assure that the license holder data submitted by states includes all anglers and for-hire vessels necessary to meet survey requirements.

Classification

This proposed rule is published under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* At this time, NMFS has preliminarily determined that the proposed rule is consistent with the applicable provisions of the Magnuson-Stevens Act and other applicable law.

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. Public burden for complying with the registration requirement is estimated to average two minutes per individual annual registration and three minutes for each for-hire vessel annual registration. Based on the current estimate of the initial number of potential registrants (see RIR/RFAA discussion below), the analysis estimates the total burden hours for compliance with registration requirements as 67,410 for individuals and 120 for small entities. The associated total labor costs are $1,685,250 for individuals ($0.83 per person) and $3000 for small entities ($ 1.25 per for-hire vessel). The PRA submission also states that, apart from the labor cost associated with submitting the information required to register, there are no other annual reporting and recordkeeping costs associated with the registration requirement.

An individual registrant would provide name, address, telephone number and regions of the country in which they fish. A for-hire vessel registrant would provide owner and operator (if different) name, address, telephone number, vessel name and state registration or U.S. Coast Guard documentation number, and home port or principal operating area.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of NMFS, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility and clarity of information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to Gordon Colvin, Office of Science and Technology (see **ADDRESSES**), and by e-mail to *David__Rostker@omb.eop.gov* or by fax to (202) 395–7285.

NMFS has determined that implementation of the rule is categorically excluded from the requirement for a NEPA review. The proposed action constitutes a regulation of an administrative and procedural nature and will not result in direct or indirect changes to the human environment.

The Office of Management and Budget has determined the proposed rule to be significant for purposes of Executive Order 12866 (''E.O. 12866'').

The Regulatory Flexibility Act (''RFA'') requires the examination of impacts of proposed and existing rules on small businesses, small organizations, and small governmental jurisdictions. In reviewing the potential impacts of proposed regulations, the agency must either: (1) certify that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities; or (2) prepare an Initial Regulatory Flexibility Analysis. The Small Business Administration (''SBA'') defines a small business engaged in recreational fishing activities as a firm with receipts (gross revenues) of up to $6.5 million.

The objectives and legal basis of this rule can be found in the **SUMMARY** and **SUPPLEMENTARY** sections of the proposed rule. There are no reporting or recordkeeping requirements associated with the rule. There are no disproportionate impacts among the impacted universe of vessels or between small and large vessels as defined by the Small Business Administration.

The small entities affected by the proposed rule are fishing vessels that carry passengers for a fee to conduct recreational fishing. These ''for-hire'' fishing vessels are classified as follows:

Head boats include fishing boats on which fishing space and privileges are provided for a fee. Head boats are generally large, they may carry from 7 passengers up to 150 paying passengers, and anglers usually pay on a per-head basis for the opportunity to fish on them. The vessel is operated by a licensed captain (guide or skipper) and crew.In some areas of the country head boats are called party boats or open boats. These boats are usually not launched until a specified number of anglers have paid and boarded. Anglers on these full or half day trips usually do not know all of the other anglers on the boat. Head boats usually engage predominantly in bottom fishing. The length of head boat trips may vary from a half-day to multiple days.

Charter boats include fishing boats operating under charter for a specific price, time, etc. Charter boats are smaller in size than head boats, they usually carry fewer than 7 paying passengers, and they are usually hired, or ''chartered'', by a group of anglers. They are operated by a licensed captain and crew, and the participants are usually part of a pre-formed group. Thus, charters are usually closed parties (all anglers know each other), as opposed to the open status of party boats. A subset of charter boats are also called guide boats, which are small boats fishing inland waters with two to three clients. Charter boats can engage in a full range of fishing techniques, including trolling, bottom fishing, and drift fishing. The length of charter boat trips may vary from a half-day to multiple days.

11,953 for-hire vessels are currently operating nationwide. A detailed description of the number of vessels currently operating, by state of operation, is presented in section 2.2 of the RIR/RFAA.

The small entities that will be required to comply with the rule will be required to register annually by submitting the following information via either a web-based or telephone-based portal: vessel name and home port/principal operating area; vessel's state registration or USCG documentation number; name, address and telephone contact information for owner and operator(s). The registrant will be provided with a registration number and documentation of registration which must be kept available to provide to law enforcement officers upon request. The proposed rule will not include any other reporting or record-keeping requirements.

All for-hire vessels, both head boats and charter boats, will be required to register annually unless they are exempted from the registration requirement under either of two exemption provisions in the proposed rule: (1) the vessel is licensed or registered by an Exempted State, or (2) the vessel holds a NMFS license or permit to engage in for-hire fishing activities in compliance with another applicable regulation. Exempted States will agree to provide complete lists of for-hire vessels and the required identification and contact information to NMFS and will enter into Memoranda of Agreement to formalize the agreements. Since all states except New Jersey currently license for-hire fishing, it is expected that most states will be designated as Exempted States for for-hire fisheries under the proposed rule. In New Jersey, a state which does not issue state commercial permits to individual vessels, the preponderance of for-hire vessels are permitted with NMFS with the State adopting Federal for-hire regulations in their waters. Between the exemptions available to vessels from Exempted States and those remaining that will have another NMFS-issued license or permit, it is expected that very few for-hire vessels will need to comply with the registration requirement under the proposed rule.

It is expected that for-hire vessel information currently collected by most states will be sufficient to fulfill the data collection requirements of the preferred alternative. It is anticipated that most states which currently license for-hire vessels will be granted Exempted State status. Therefore, no additional cost burden or changes in gross revenues is anticipated for for-hire vessels operating in states granted Exempted State status.

To address the likelihood that some vessels will not be exempt from the federal registration requirement proposed by this rule, NMFS conservatively estimated that 20% of for-hire vessels nationwide would not be exempt. This is a very conservative estimate because it is anticipated that only New Jersey, which does not license for-hire vessels, but, based on voluntary registration information, is estimated to currently include approximately 8% of U.S. for-hire vessels, will not be granted Exempted State status.

Therefore, of the 11,953 for-hire vessels operating in the U.S., NMFS estimated that 2,390 vessels will not be exempt from the proposed federal registration requirement. The cost per vessel to comply with this proposed rule is anticipated to range between $15 and $25.

To determine the economic impact of the administrative fee on individual vessels, the for-hire vessels in NY, NJ, MD, DE, and VA were examined. It was estimated that each individual for-hire vessel earned $ 95,700 in revenues based on an angler fee of $41.09 and the assumption that 590 vessels or 1.20 x 491 (the known number of permitted vessels from those states) operated as for-hire vessels. Based on these assumptions the adverse economic impact of a $25 administrative fee would be a reduction in the revenue of the average individual vessel of 0.03 percent. Therefore, NMFS has concluded that implementation of this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 600

Fisheries, Fishing, Fishing vessels, Statistics.

Dated: June 9, 2008.

John Oliver,

Deputy Assistant Administrator For Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to add subpart P to 50 CFR part 600 to read as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

Subpart P—Marine Recreational Fisheries of the United States

Sec.
600.1400 Definitions.
600.1405 Angler registration.
600.1410 Registry process.
600.1415 Procedures for designating exempted states-general provisions.
600.1416 Requirements for exempted state designation based on submission of state license holder data.
600.1417 Requirements for exempted state designation based on submission of recreational survey data.

Authority: 16 U.S.C. 1881.

Subpart P—Marine Recreational Fisheries of the United States

§ 600.1400 Definitions.

(a) *Anadromous species* means the following:

American shad: *Alosa sapidissima*
Blueback herring: *Alosa aestivalus*
Alewife: *Alosa pseudoharengus*
Hickory shad: *Alosa mediocris*
Alabama shad: *Alosa alabamae*
Striped bass: *Morone saxatilis*
Rainbow smelt: *Osmerus mordax*
Atlantic salmon: *Salmo salar*
Chinook, or king, salmon: *Oncorhynchus tshawytscha*
Coho, or silver, salmon: *Oncorhynchus kisutch*
Pink salmon: *Oncorhynchus gorbuscha*
Sockeye salmon: *Oncorhynchus nerka*
Chum salmon: *Oncorhynchus keta*
Steelhead: *Oncorhynchus mykiss*
Coastal cutthroat trout: *Oncorhynchus clarki clarki*
Eulachon or candlefish: *Thaleichthys pacificus*
Atlantic sturgeon: *Acipenser oxyrhynchus oxyrhynchus*
Shortnose sturgeon: *Acipenser brevirostrum*
Gulf sturgeon: *Acipenser oxyrhynchus desotoi*
White sturgeon: *Acipenser transmontanus*
Green sturgeon: *Acipenser medirostris*

(b) *Angler* means a person who is angling (see 50 CFR 600.10).

(c) *Authorized officer* has the same meaning as in 50 CFR 600.10.

(d) *Exempted state* means a state that has been designated as an exempted state by NMFS pursuant to § 600.1415.

(e) *For-hire fishing vessel* means a vessel on which passengers are carried for a fee to engage in angling.

(f) *Indigenous people* means persons who are documented members of a federally recognized tribe or Alaskan Native Corporation or, for the western Pacific region, persons who are resident in the region who are descended from the aboriginal people indigenous to the region who conducted commercial or subsistence fishing using traditional fishing methods, including angling.

(g) *Spearfishing* means fishing for, attempting to fish for, catching or attempting to catch fish by any person with a spear or a powerhead (see 50 CFR 600.10).

§ 600.1405 Angler registration.

(a) The requirements of this section apply to any person who does any of the following:

(1) Engages in angling or spearfishing for:

(i) Fish in the EEZ;

(ii) Anadromous species in any tidal waters;

(iii) Chinook salmon, coho salmon, pink salmon, sockeye salmon, chum salmon and Atlantic salmon in all waters except the Great Lakes and their tributaries and those waters which are landlocked, with no access to the ocean;

(iv) Continental Shelf fishery resources beyond the EEZ.

(2) Operates a for-hire fishing vessel in the EEZ.

(3) Operates a for-hire fishing vessel that engages in angling or spearfishing for:

(i) Anadromous species in any tidal waters;

(ii) Chinook salmon, coho salmon, pink salmon, sockeye salmon, chum salmon and Atlantic salmon in all waters except the Great Lakes and their tributaries and those waters which are landlocked, with no access to the ocean;

(iii) Continental shelf fishery resources beyond the EEZ;

(4) Possesses equipment used for angling or spearfishing and also possesses:

(i) Fish in the EEZ;

(ii) Anadromous species in any tidal waters;

(iii) Chinook salmon, coho salmon, pink salmon, sockeye salmon, chum salmon and Atlantic salmon in all waters except the Great Lakes and their tributaries and those waters which are landlocked, with no access to the ocean;

(iv) Continental shelf fishery resources beyond the EEZ.

(b) No person may engage in the activities listed in paragraph (a) of this section unless that person:

(1) Has registered annually with NMFS in accordance with § 600.1410;

(2) Holds a valid fishing license issued by, or is registered by, an exempted state;

(3) Is a resident of an exempted state, but is not required to hold a fishing license under the laws of that state;

(4) Holds a permit issued by NMFS for for-hire fishing under 50 CFR §§ 622.4(a)(1), 635.4(b), 648.4(a), or 660.70(a)(1).

(5) Is under the age of 16;

(6) Is angling aboard a for-hire fishing vessel that is in compliance with NMFS and state for-hire vessel permit, license or registration requirements; or

(7) Holds a commercial fishing license or permit issued by NMFS or a state and is lawfully fishing or in possession of fish taken under the terms and conditions of such license or permit.

(c) Any angler or spear fisher or operator of a for-hire vessel must, on request of an authorized officer, produce the NMFS registration number and certificate or evidence that such person or for-hire vessel operator is exempt from the registration requirement pursuant to § 600.1405(b)(2) through § 600.1405(b)(7).

§ 600.1410 Registry process.

(a) A person may register through the NMFS web site at *www.nmfs.noaa.gov* or by calling a toll-free telephone number available by contacting NMFS or at the NMFS website.

(b) Individuals must submit their name; address; telephone number; region(s) of the country in which they intend to fish in the upcoming year; and additional information necessary for the issuance or administration of the registration.

(c) To register a for-hire fishing vessel, the vessel owner or operator must submit vessel owner name, address, telephone number; vessel operator (if different) name, address and telephone number; vessel name; vessel's state registration or U.S. Coast Guard documentation number; home port or principal area of operation; and additional information necessary for the issuance or administration of the registration.

(d) NMFS will issue a registration number and certificate to registrants. A registration number and certificate will be valid for one year from the date on which it is issued.

(e) It shall be unlawful for any person to submit false, inaccurate or misleading information in connection with any registration request.

(f) Fees. Effective January 1, 2011, persons registering with NMFS must pay an annual fee. The annual schedule for such fees will be published in the **Federal Register**. Indigenous people engaging in angling or spear fishing must register, but are not required to pay a fee.

§ 600.1415 Procedures for designating exempted states-general provisions.

(a) States with an exempted state designation must:

(1) Submit state angler and for-hire vessel license holder data to NMFS for inclusion in a national or regional registry data base; or

(2) Participate in regional surveys of recreational catch and effort and make the data from those surveys available to NMFS.

(b) Process for getting an exempted state designation:

(1) To apply for exempted state designation, a state must submit:

(i) A complete description of the data it intends to submit to NMFS;

(ii) An assessment of how the data conforms to the requirements of §§ 600.1416 or 600. 1417;

(iii) A description of the data base in which the data exists and will be transmitted; and

(iv) The proposed process, schedule and frequency of submission of the data.

(2) If NMFS determines the submitted material meets the requirements of §§ 600.1416 or 600.1417, NMFS will initiate negotiations with the state on a Memorandum of Agreement. The Memorandum of Agreement must include the terms and conditions of the data-sharing program. The Memorandum of Agreement and state designation may be limited to data-sharing related to only anglers or only for-hire fishing vessels.

(3) Following execution of a Memorandum of Agreement, NMFS will publish a notice of the exempted state designation in the **Federal Register**.

§ 600.1416 Requirements for exempted state designation based on submission of state license holder data.

(a) A state must annually submit to NMFS, in a format consistent with NMFS guidelines, the name, address and telephone number of all persons and for-hire vessels and for-hire vessel operators who are licensed to fish, or who are registered as fishing, in the EEZ, in the tidal waters of the state, or for anadromous species.

(b) A state is eligible to be designated as an exempted state even if its licensing program excludes anglers that meet any of the following conditions:

(1) Under 16 years of age;

(2) Over age 59 (see § 600.1415 (c)(4)(i));

(3) Who are customers on licensed for-hire vessels;

(4) Who are customers on licensed fishing piers;

(5) Who are on active military duty while on furlough; or

(6) Who meet state definitions of disabled or disabled Veteran.

(c) Unless the state can demonstrate that a given category of anglers is so small it has no significant probability of biasing estimates of fishing effort if these anglers are not included in a representative sample, a state may not be designated as an exempted state if its licensing program excludes anglers that meet any of the following conditions:

(1) Fishing on a state-licensed private vessel;

(2) Fishing from privately-owned land;

(3) Fishing on a public pier;

(4) Fishing from shore;

(5) Fishing in tidal waters of the state; or

(6) Fishing as an occupant of a beach buggy, the operator of which is licensed or permitted to operate the vehicle on public beaches.

(d) Required enhancements to exempted state license-holder data. An exempted state must submit the following angler identification data by Jan. 1, 2011, or within two years of the effective date of the Memorandum of Agreement, whichever is later, and thereafter in accordance with the Memorandum of Agreement:

(1) Name, address and telephone number of excluded anglers over age 59;

(2) Name, address and telephone number, updated annually, of holders of state lifetime and multi-year licenses;

(3) Name, address and telephone number of state combination license holders who fished in salt water in the prior year, or who intend to fish in salt water.

§ 600.1417 Requirements for exempted state designation based on submission ofrecreational survey data.

To be designated as an exempted state based on the state'sparticipation in a regional survey of marine and anadromous recreational fishing catch and effort, a state may submit to NMFS an annual proposal that fully describes the state's participation in a qualifying regional survey, and the survey's sample design, data collection and availability. A qualifying regional survey must:

(a) Cover the Western Pacific, Alaska, Pacific, Gulf of Mexico, Caribbean, or Atlantic coast region;

(b) Utilize angler registry data to identify individuals to be surveyed to obtain fishing effort data;

(c) Meet NMFS survey design and data collection standards.

[FR Doc. E8–13250 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 73, No. 114

Thursday, June 12, 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.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (portions of which will be open to the public) in Washington, DC at the Office of Professional Responsibility on June 30 and July 1, 2008.

DATES: Monday, June 30, 2008, from 9 a.m. to 5 p.m., and Tuesday, July 1, 2008, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202–622–8225.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC on Monday, June 30, 2008, from 9 a.m. to 5 p.m., and Tuesday, July 1, 2008, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the May 2008 Basic (EA–1) and Pension (EA–2B) Joint Board Examinations in order to make recommendations relative thereto, including the minimum acceptable pass score. Topics for inclusion on the syllabus for the Joint Board's examination program for the November 2008 Pension (EA–2A) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions which may appear on the Joint Board's examinations and review of the May 2008 Joint Board examinations fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1 p.m. on June 30 and will continue for as long as necessary to complete the discussion, but not beyond 3 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements must notify the Executive Director in writing prior to the meeting in order to aid in scheduling the time available and must submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. All other persons planning to attend the public session must also notify the Executive Director in writing to obtain building entry. Notifications of intent to make an oral statement or to attend must be faxed, no later than June 19, 2008, to 202–622–8300, Attn: Executive Director. Any interested person also may file a written statement for consideration by the Joint Board and the Committee by sending it to the Executive Director: Joint Board for the Enrollment of Actuaries, c/o Internal Revenue Service, Attn: Executive Director SE:OPR, 1111 Constitution Avenue, NW., Washington, DC 20224.

Dated: June 2, 2008.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. E8–13257 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Draft Standard Treatments To Address Rehabilitation of Historic Exterior Masonry

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Intent to Establish Standard Treatments for the Rehabilitation of Historic Exterior Masonry.

SUMMARY: The Department of Defense has requested the Advisory Council on Historic Preservation to establish several standard treatments for the rehabilitation of historic exterior masonry. The Advisory Council on Historic Preservation has merged them into one standard treatment document and seeks public input on it.

DATES: Submit comments on or before July 14, 2008.

ADDRESSES: Address all comments concerning this proposed standard treatment to Hector Abreu Cintrón, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004. Fax (202) 606–8647. You may submit electronic comments to: *habreu@achp.gov*.

FOR FURTHER INFORMATION CONTACT: Hector Abreu Cintrón, (202) 606–8517, *habreu@achp.gov*.

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (''ACHP'') a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800 (''Section 106 regulations'').

Under Section 800.14(d) of those regulations, agencies can request the ACHP to establish ''standard treatments'' detailing standard methods for the treatment of a category of historic properties, a category of undertakings, or a category of effects on historic properties to assist Federal agencies in

satisfying their responsibilities under Section 106.

Standard treatments carry the ACHP's explicit endorsement and can be applied by Section 106 users to assist them in complying with Section 106. Using standard treatments in the planning and design of agency undertakings as a best practice may allow an agency to make a finding of no adverse effects for the relevant aspects of the undertaking. In other cases, an agency may find its undertaking will have adverse effects on historic properties, and it can elect to use an approved standard treatment as a proposed stipulation of a memorandum of agreement or a programmatic agreement, as a way to resolve such adverse effects.

Federal agencies are not obligated to follow approved standard treatments but may elect to do so when they feel standard treatments will be of benefit in meeting their Section 106 compliance requirements.

The Department of Defense (''DOD'') has requested the ACHP to establish eighteen standard treatments, along with two implementation guidance documents, for the rehabilitation of historic exterior masonry on historic properties.

The ACHP has decided to merge all eighteen standard treatments for historic exterior masonry, and the two implementation guidance documents, into one standard treatment document. The ACHP seeks public comment on that standard treatment.

A copy of the standard treatment document, minus its appendices, can be found at the end of this notice. The appendices to that document comprise the true substance of each of the proposed, eighteen standard treatments and their two implementation guidance documents. Due to their volume, they will not be copied into this notice. However, they can be accessed in their entirety on the Internet at: *http://www.achp.gov/masonryst.html*. Those without access to the Internet can contact Hector Abreu Cintrón at 202–606–8517, or by e-mail at *habreu@achp.gov*, to arrange an alternate method of access to the appendices.

Once the public input resulting from this notice is considered, and edits are incorporated as deemed appropriate, the ACHP will decide whether to establish the standard treatment. The ACHP expects to make that decision at its upcoming quarterly meeting scheduled on August 15, 2008 in St. Louis, Missouri.

Background on the Proposed Standard Treatments on Historic Exterior Masonry

The ACHP and DOD have been collaborating to develop standard treatments to address rehabilitation of exterior building elements that are character-defining features of historic properties.

The goal is to encourage use of the Secretary of the Interior's Standards for Rehabilitation (''Secretary Standards''), 36 CFR part 67, by translating selected standards into detailed construction specifications for routine repair and maintenance undertakings that are expected to have no adverse effect on historic properties.

These Standard Treatments are designed to codify the numerous ''industry standard'' practices associated with routine repair and maintenance of historic properties. For instance, there are Standard Treatments for mortar analysis and repointing, and stone crack repair. The appendices to the standard treatment currently under consideration include the two implementation guidance documents (numbered 01060.01 and 01091.01) and the following eighteen standard treatments:

04100 Historic Mortar

(1) 04100.01 Removal of Mortar Joints and Repointing.
(2) 04100.02 Preparation of Lime and Cement Amended Mortars.

04110 Historic Stucco

(3) 04110.01 Preparation of Lime or Portland Based Stucco.
(4) 04110.02 Repair and Replacement of Historic Stucco 04211 Historic Brick.
(5) 04211.01 Historic Brick Properties and In Kind Replacement.
(6) 04211.02 Repair through Patching, Consolidating or Injection Grout.

04214 Terra Cotta and Ceramics

(7) 04214.01 Historic Terra Cotta and Ceramics Properties and In Kind Replacement.
(8) 04214.02 Terracotta Patching and Glaze Repair.
(9) 04214.03 Replacement anchoring.

04290 Historic Adobe Masonry Units

(10) 04290.01 Adobe Properties and In Kind Replacement.
(11) 04290.02 Repair through Patching, Surface Coatings and Structural Supports.

04400 Stone

(12) 04400.01 Identifying Masonry Types and Failures 04500 Masonry Restoration.
(13) 04500.01 Repair by Mechanical Pinning or Structural Reinforcement.
(14) 04500.02 Repair through Patching, Consolidating, and Grouting.
(15) 04500.03 Replacement In-Kind of Deteriorated Elements.

04510 Masonry Cleaning

(16) 04510.01 Cleaning and Testing of Atmospheric Soiling, Graffiti, Stains and Biogrowth.
(17) 04510.02 Appropriate Use of Wet and Dry Abrasive Cleaning Systems.
(18) 04510.03 Poulticing and Salt Removal.

DOD has consulted with the ACHP, the National Conference of State Historic Preservation Officers, the National Trust for Historic Preservation and the DOD Historic Preservation Working group. The National Park Service has been a vital partner in reviewing the draft standard treatments to verify that they are consistent with the Secretary Standards.

Development of the Standard Treatments

In formulating the draft standard treatments, and with the goal of encouraging use of the Secretary Standards, developers chose a detail construction specification format with the intent that preservation related rehabilitation practices could be incorporated easily into a project's scope.

The specification format was chosen since it is a template that project designers and engineers readily recognize. Also, developers chose to develop standard treatments that focused on undertakings instead of effects or classes of properties, as outlined in 36 CFR 800.14(d)(1).

A focus on undertakings was selected since that approach had the broadest applicability regarding military installations that have many buildings with disparate functions, but also employ the consistent use of building materials and aesthetics typical of military master planning principles.

The project started with a broad scope that addressed rehabilitation of the most common exterior elements of historically significant military properties. The initial study areas addressed rehabilitation of exterior masonry, roofing, wooden elements, and windows.

A total of seventy-three (73) draft specifications covering those disciplines were developed. However, the ACHP is only considering the issuance of the merged, initial group of eighteen (plus the two implementing guidance documents) addressed by this notice, as listed above. They are focused on exterior masonry rehabilitation.

The ACHP may consider and adopt the remaining draft standard treatments at a later date in accordance with the process defined in 36 CFR 800.14(d).

Expected Benefits

Though this project was conceived to promote best preservation practices within the military, its broad undertaking-based approach may benefit any federal agency that possesses historic properties needing rehabilitation.

As explained above, standard treatments were established as a way to assist federal agencies in their completion of Section 106 consultations. Standard treatments are to be used when an agency gets to the point of assessing adverse effects under 36 CFR 800.5, or when negotiating a Section 106 agreement under 36 CFR 800.6 or 800.14(b). This quicker path to ''no adverse effect'' or a Section 106 agreement can greatly reduce the consultation workload of federal agencies that intend to rehabilitate their historic properties in accordance with the Secretary Standards.

DOD has been working with ACHP to define a program alternative whereby a federal agency may use a standard treatment in order to exempt the consideration of the effects of that specific treatment from Section 106 review. However, the use of such a program alternative is not the subject of this notice and public comment.

Text of the Proposed Standard Treatment on Historic Masonry

As stated above, the appendices to the proposed standard treatment document comprise the actual substance of each of the eighteen standard treatments and the two implementation guidance documents. Due to their volume, they will not be copied into this notice. However, they can be accessed on the Internet at *http://www.achp.gov/masonryst.html*. Those without access to the Internet can contact Hector Abreu Cintrón at 202–606–8517, or by e-mail at *habreu@achp.gov* to arrange an alternate method of access to the documents.

The following is the text of the standard treatment document, minus the appendices:

Advisory Council on Historic Preservation Standard Treatment for Historic Exterior Masonry

I. *Establishment and Authority:* This Standard Treatment for Historic Masonry was established by the Advisory Council on Historic Preservation on (date of establishment) pursuant to 36 CFR 800.14(d).

A standard treatment is a program alternative that assists Federal agencies in meeting their obligations to comply with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, and its implementing regulations, 36 CFR part 800 (Section 106)

II. *Applicability to All Federal Agencies:* This Standard Treatment may be used by any Federal agency.

III. *Date of Effect:* The Standard Treatment will go into effect on (date of establishment)

IV. *Standard Treatment:*

(A) *As Basis for No Adverse Effect Determination:* Work that follows the relevant standard treatments appended to this document, in conformance with the implementation guidance documents numbered 01060.01 and 01091.01 in those appendices, does not constitute an adverse effect under 36 CFR 800.5(a).

Accordingly, a Federal agency that will follow the standard treatments in such a manner may find ''no adverse effects'' for those aspects of its undertaking that deal with the specific works covered by the standard treatments. Except under circumstances where quantifiable scientific or qualitative historic data indicates that an alternate treatment procedure is merited, the ACHP will not object to that aspect of such a finding of ''no adverse effects.''

However, the agency must still examine whether other aspects of its undertaking may adversely affect historic properties and, if so, continue the Section 106 process accordingly.

(B) *As Basis for Section 106 Agreement:* A Federal agency may also utilize the standard treatments and implementing guidance appended to this document as a starting point for negotiating that part of a Section 106 agreement (e.g., Memoranda of Agreement or Programmatic Agreements) that deals with the works covered by those standard treatments.

Except under unusual circumstances, the ACHP will not object to provisions on a Section 106 agreement that are consistent with the appended standard treatments.

V. *Amendment:* The ACHP may amend this Standard Treatment after following the same consultative process required for its initial establishment under 36 CFR 800.14(d). Such an amendment will go into effect once published in the **Federal Register**.

VI. *Termination:* The ACHP may terminate this Standard Treatment by publication of a notice in the **Federal Register** 30 days before the termination takes effect.

VII. *Historic Properties in Tribal Lands and Historic Properties of Significance to Indian tribes and Native Hawaiian Organizations:* This Standard Treatment does not apply in connection with effects to historic properties that are located on tribal lands and/or that are of religious and cultural significance to Indian tribes or Native Hawaiian organizations.

VIII. *Definitions:* The definitions found at 36 CFR part 800 apply to the terms used in this Standard Treatment.

IX. *Appendices:* [Appendices will be attached. Their full text can be accessed as explained in the notice above.]

Authority: 36 OFR 800.14(d).

Dated: June 4, 2008.

John N. Fowler,

Executive Director.

[FR Doc. E8–13007 Filed 6–11–08; 8:45 am]

BILLING CODE 4310–K6–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Request for Comments on Proposed Policy Statement on Archaeology and Heritage Tourism

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Intent To Adopt a Policy Statement on Archaeology and Heritage Tourism.

SUMMARY: In 2003 the Chairman of the Advisory Council on Historic Preservation (ACHP) appointed a Task Force on Archaeology to identify archaeological issues that merited the ACHP's attention. One issue identified was the need to better encourage responsible use of archaeological resources for public benefit, including education programs and heritage tourism. The Task Force has developed a draft policy statement, along with guidance, entitled ''Using Archaeological Resources for Public Benefit, including Education and Heritage Tourism,'' and now seeks public comments on it.

DATES: Submit comments on or before July 14, 2008.

ADDRESSES: Address all comments concerning this draft policy statement and guidance to Dr. Tom McCulloch, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004. Fax (202) 606–8647. You may submit electronic comments to: *archaeology@achp.gov*. Please note that all comments submitted to the ACHP will become part of the public record.

FOR FURTHER INFORMATION CONTACT: Dr. Tom McCulloch, (202) 606–8554, *archaeology@achp.gov*.

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy.

The current draft policy statement and guidance is the product of a Task Force subcommittee that included ACHP members and their expert staff, Federal agency officials knowledgeable

about historic preservation and tourism, the ACHP's tribal member, the ACHP's Native American Advisory Group, representatives of the National Conference of State Historic Preservation Officers, and the National Association of Tribal Historic Preservation Officers. Formal discussion sessions were held at the national meetings of the Society for Historical Archaeology in Williamsburg, Virginia, and the Society for American Archaeology in Austin, Texas. The subcommittee determined that a policy statement with some accompanying guidance was the appropriate vehicle to promulgate the ACHP's position on the need for a more prominent role for archaeology in heritage tourism and education. The Subcommittee met four times to develop an initial draft of these documents, which were then presented to the full Archaeology Task Force where they were refined into the present document.

At its most recent meeting on April 18, 2008, the Task Force members agreed to place before the full ACHP membership this latest draft of the policy for their review and comment. A full copy of the draft can be found at the end of this notice. The ACHP membership also agreed with the Task Force's plans to circulate the draft policy and guidance for public comment in this **Federal Register** notice, and post it on the ACHP's Web site. After review of comments received, the Chair of the Task Force plans to bring the policy and guidance before the full ACHP membership for adoption at its August 15, 2008 quarterly meeting.

Several particular issues were explored in developing this statement and guidance, that we would specifically appreciate comments on, including:

(1) *Use of the policy statement.* The policy is intended to help ACHP staff, federal agencies, State and Tribal Historic Preservation Officers, local communities with archaeological assets (like Preserve America and Main Street communities), tourism industry professionals, and others when determining whether and how to use archaeology to help instill a greater appreciation and understanding of the American past, and when making decisions about incorporating archaeology and archaeological resources into heritage tourism projects and programs.

(2) *Balancing use of archaeological properties in tourism and education with privacy concerns.* This issue is addressed in Principle 2 of the draft policy statement. Guidance for this principle says that many archaeological sites are valued by cultural and lineal descendants for religious or cultural reasons and would prefer not to open them to the general public. The guidance goes on to say that religious or cultural values associated with the archaeological resources should be considered in making decisions about appropriate public visitation.

(3) *Consultation with others in making use decisions.* Decisions about appropriate use should be made in consultation with those who ascribe such significance to the archaeological resources, in addition to those with an interest in public education, heritage tourism, and resource conservation.

(4) *Management and sustainability needs.* Use of archaeological resources in heritage tourism and education requires adequate personnel and financial resources for success. Guidance for this principle focuses on the need to consider a wide range of issues that include resource protection, access, current and long-term threats, and the requirement for site maintenance and sustainability.

Text of the Draft Policy Statement and Guidance

The following is the text of the draft policy statement and guidance:

ACHP Policy Statement: Using Archaeological Resources for Public Benefit, Including Education and Heritage Tourism

Introduction

The National Historic Preservation Act of 1966 (NHPA) aims among other things ''to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation.'' 16 U.S.C. 470(b)(5). The NHPA goes on to state that ''it shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations.'' 16 U.S.C. 470–1.

Executive Order 13287, ''Preserve America,'' signed by President George W. Bush on March 3, 2003, builds on this mandate, stating that ''it is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.'' Executive Order 13287 recognizes the importance of preserving ''the unique cultural heritage of communities and of the Nation, and to realize the economic benefit that these properties can provide.''

Archaeological Resources and Historic Properties

''Archaeological resources'' include archaeological properties (sites), material collections derived from field investigation and study of those sites, and related records and syntheses of those studies. ''Archaeological properties'' are defined by the National Park Service as ''the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains.'' Archaeological properties may also be ''historic properties,'' that is, properties listed, or eligible for listing, in the National Register of Historic Places.

Archaeological resources have significant value and benefits as heritage assets, and can contribute to public understanding and appreciation of the past through heritage education programs and heritage tourism initiatives at a local, statewide, or regional level. As demonstrated in a public opinion poll conducted in 2000 by Harris Interactive for the Society for American Archaeology, archaeological resources and the archaeological research process hold particular fascination and interest for many members of the public. The Harris Poll found that most Americans ''support the goals and practice of archaeology, endorse laws protecting archaeological sites and artifacts, and think archaeology is important to today's society.'' Many of these same individuals are likely to be active heritage tourists.

Heritage Tourism and Archaeology

Heritage tourism is defined in Executive Order 13287 as ''the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape, and culture.'' The National Trust for Historic Preservation further defines cultural heritage tourism as ''travel to experience the places and activities that authentically represent the stories and people of the past and present'' (*Getting Started: How to Succeed in Heritage Tourism*, National Trust for Historic Preservation, 1993).

The practice of archaeology, public appreciation of the stories about the past to which archaeology can contribute, and public access to interpreted sites and archaeological collections have long been recognized internationally as subjects worthy of tourism development. A number of popular tourism destinations in the United States, such as Mesa Verde National Park or Jamestown Island, incorporate archaeological resources. At other locations, engaging visitors to actively participate in archaeological field work under controlled and limited conditions may also be appropriate. Such ''participatory archaeology'' can offer an excellent opportunity for educating a segment of the public about archaeology and resource stewardship.

At the same time, it is also clear that legitimate issues arise about tourism development and the visitor experience and their potential impact on the archaeological record. Such issues may include the adequacy of resource conservation, sustainability, and management; the appropriateness of public access and associated site improvements at a particular location; the cultural sensitivity of some remains as well as their interpretation; and the economic viability of open sites and necessary visitor facilities. Careful consideration of these issues may conclude that it is appropriate to use archaeological collections and results of archaeological research in heritage tourism, but not the actual, physical, ''site.'' In such cases, other means of interpreting and presenting the results of archaeological study should be considered, including electronic ''virtual'' tours, exhibits, film, offsite interpretation, and other methods.

Management and economic issues also need to be assessed in reaching decisions about the viability and sustainability of archaeological heritage tourism. Just because an archaeological site is opened and presented to the public does not mean it will be visited or appreciated. A sound and realistic business plan is necessary. Issues to consider here include the potential market and audience for this form of tourism; whether site development is an appropriate use of the resources; the impact of a site's location and ownership on public access; immediate and long-term financial and management needs; and the ability and willingness of responsible parties to prepare and implement necessary development, interpretive, and public use plans.

Principles

The following principles and accompanying guidance have been adopted by the Advisory Council on Historic Preservation (ACHP) to assist ACHP staff, federal agency decision-makers, and other parties when determining whether and how to use archaeology to help instill a greater appreciation and understanding of the American past, and when making decisions about incorporating archaeology and archaeological resources into heritage tourism projects and programs.

These principles and guidance will also be useful for State and Tribal Historic Preservation Officers, local communities with archaeological assets (such as Preserve America and Main Street communities), tourism industry professionals, and businesses and not-for-profit organizations involved in heritage development projects.

—*The public interest in archaeological resources and their interpretation makes them an excellent focus for heritage tourism and related public education efforts.*

—*While some archaeological properties, or groups of properties in an area, may be appropriate for public education programs or heritage tourism development, others may not.*

—*Decisions about when, where, and how to interpret and present archaeological properties and resources to the public should be made in consultation with a broad range of parties with an interest in public education, heritage tourism, resource conservation, and the particular place that would be interpreted.*

—*Responsible public interpretation for education or tourism includes current scholarship. Facts and findings from the archaeological work should be integrated into the presented story to help bring the past and its investigation to life for the general public.*

—*Archaeological properties or resources that are made part of public education efforts and/or heritage tourism projects are supportable and sustainable through professional, adequately funded, and well-developed and executed management programs.*

Guidance

—*The public interest in archaeological resources and their interpretation makes them an excellent focus for heritage tourism and related public education efforts.*

The Society for American Archaeology's public opinion poll has demonstrated the strong public interest in and appreciation for archaeological knowledge, archaeological properties and the materials they contain, and the archaeological discovery process.

There is often even greater interest in the stories and methods of interpretation about people, places, and events of the past that are reconstructed as a result of archaeological research and interpretation.

The science of archaeology can foster a greater understanding of and appreciation for peoples and cultures of the past as well as the traditions, events and places valued by living peoples today.

Tourism and public education programs can assist in mutual understanding and respect between peoples and societies, and between the present and the past.

—*While some archaeological properties, or groups of properties in an area, may be appropriate for public education programs or heritage tourism development, others may not.*

In making decisions about whether a given archaeological resource's preservation and use is the best way to tell this story to the public, the physical manifestations of the archaeological resources, and how their physical features lend themselves to being viewed and understood by members of the public, needs to be carefully considered.

Ascribed values associated with the archaeological resources, including their value to cultural and lineal descendants as well as particular segments of the interested public, may either support or be in conflict with public access. The pros and cons of public uses need to be considered in this light.

Archaeological properties and related collections are fragile and non-renewable; many are valued by cultural and lineal descendants of the site's creators for religious or cultural reasons, and would prefer not to open them up to the general public. Some resources may be physically inaccessible to the public, such as those located on a military reservation or tribal lands. If present, and when properly studied, archaeological elements of a standing historic property or the location of a past historic event can add considerably to the interpretation and appreciation of the property.

Among other factors, the presence or absence of fragile or culturally sensitive remains, as well as the ability to manage visitation, should be taken into account in reaching decisions about appropriate uses for public education or tourism.

Where public access is inappropriate or difficult, or cannot be effectively managed, alternative means of presenting archaeological properties and information to the public may be desirable. Such alternatives may include offsite interpretation and exhibits, ''virtual'' tours, and other methods.

—*Decisions about when, where, and how to interpret and present archaeological properties and resources to the public should be made in consultation with a broad range of parties with an interest in public education, heritage tourism, resource conservation, and the particular place that would be interpreted.*

Decisions should be based on a broad understanding of historical and cultural context. This should include the rarity, state of preservation, and current state of knowledge about the resources.

It also should include knowledge of the values placed on the resources by living groups, and any associated concerns about privacy, preservation, interpretability, and appropriate uses of the resources.

Any ascribed religious or cultural values associated with the archaeological resources should be fully and carefully considered in making decisions about appropriate public visitation. Whether or how such associated values are interpreted and presented to the broader public should be determined in consultation with those who ascribe such significance to the archaeological resources.

There should be an appropriate consideration of protection and access. Such consideration should include a weighing of current or anticipated long-term threats, and adequate provision for the maintenance and sustainability of any archaeological resources that are used for tourism or other educational purposes.

—*Responsible public interpretation for education or tourism includes current scholarship. Facts and findings from the archaeological work should be integrated into the presented story to help bring the past and investigation to life for the general public.*

Scholarship includes sufficient and accurate professional research as well as other sources of knowledge, such as relevant oral histories and traditional knowledge, necessary to support responsible archaeological heritage tourism. The ability of a vocational archaeologist to contribute to this endeavor should not be overlooked.

There needs to be reliable and accurate information about the resources in order to present the relevant facts and tell a compelling story.

Archaeological properties as interpreted today are the end results of physical and cultural processes in operation over long periods of time. Heritage tourists will benefit from an understanding of the process of creation, discovery, and interpretation.

Public interpretation for heritage tourism should be germane to the particular archaeological resource as well as broader educational goals. Information should illuminate not only the specific archaeological site and its remains but also past lifeways, cultural practices, and development patterns that they illustrate.

Archaeological properties used for heritage tourism should also, as practicable, provide a context that helps visitors appreciate a site's value to any cultural and lineal descendants living today.

—*Archaeological properties or resources that are made part of public education efforts and/or heritage tourism projects are supportable and sustainable through professional, adequately funded, and well-developed and executed management programs.*

A broad range of governmental and non-governmental organizations can and should participate in decisions about the uses of archaeological resources for public education and heritage tourism purposes, to ensure these projects combine excellent scholarship, responsible stewardship, and sustainable development and management.

Governmental entities, non-governmental organizations, private non-profit, and business enterprises that control archaeological resources should look for ways to include archaeological interpretation and public access where appropriate as part of mitigation programs (such as those negotiated through Section 106 of the National Historic Preservation Act).

In some cases, publicly owned archaeological properties and remains may best be protected and managed through public interpretation and controlled public access. Archaeological properties with active non-managed visitation that are receiving unmitigated impacts because of that visitation should be considered for more formal public interpretation and/or control of public access.

With adequate professional supervision and support, members of the public, non-professional volunteers, and cultural and lineal descendants can all play a significant role in ''participatory archaeology'' at certain sites. Such programs may be an appropriate use of archaeological resources for heritage tourism and education. Both the appropriateness of excavation in the first place, as well as future stewardship of the archaeological site and resulting collections, needs to be determined prior to it being excavated as a part of a heritage tourism or public education program.

Select references and resources on heritage tourism

(1) Government Sources

—NPS ''Discover Archaeology,'' ''Visit Archaeology,'' and ''Archaeology in the Parks''; (*http://www.nps.gov/archeology/PUBLIC/discover.htm); (http://www.nps.gov/history/archeology/visit/index.htm); (http://www.historians.org/perspectives/issues/2000/000l/000lpub1.cfm).*

—USDA Forest Service ''Passport in Time Program'' and ''Heritage Opportunity Spectrum for Tourism (HOST) Project''; (*http://www.passportintime.com/); (http://www.fs.fed.us/recreation/programs/heritage/heritage_strategy.shtml*).

—Bureau of Land Management ''Adventures in the Past''; (*http://www.blm.gov/heritage/adventures/*).

—Preserve America; (*http://www.preserveamerica.gov*).

—Advisory Council on Historic Preservation ''List of federal government programs that support heritage tourism''; (*http://www.achp.gov/heritagetourism-assist.html*); (*http://www.grants.gov*).

(2) State and Private Sources

—Arkansas Archaeological Survey ''Archaeological Parks in the U. S.''; (*http://www.uark.edu/misc/aras/*).

—Society for American Archaeology ''Archaeology for the Public'' and SAA Archaeological Record, Special Issue on ''Archaeology and Heritage Tourism'' (vol. 5, no. 3, May 2005): (*http://www.saa.org/Public/home/home.html*); (*http://www.saa.org/publications/theSAAarchRec/may05.pdf*).

—Society for Historical Archaeology ''Unlocking the Past'' and ''Exploring Historical Archaeology'': (*http://www.sha.org/unlockingthepast/index.htm*); (*http://www.sha.org/EHA/splash.htm*).

—National Trust for Historic Preservation ''Cultural Heritage Tourism'' and ''Share Your Heritage''; (*http://www.preservationnation.org/issues/heritage-tourism/*); (*http://www.culturalheritagetourism.org/resources/shareYourHeritage.htm*).

—National Geographic Society ''Geotourism Principles''; (*http://www.nationalgeographic.com/travel/sustainable/aboutgeotourism.html*).
—American Association of Museums;(*http://www.aam-us.org/*).

(3) International Organizations

—International Council on Monuments and Sites ''Ename Charter for the Interpretation of Cultural Heritage Sites''; (*http://www.enamecharter.org/*).
—UNESCO: Cultural Tourism portal;(*http://portal.unesco.org/culture/en/ev.php-URLID=11408&URLDO=DOTOPIC&URLSECTION=201.html*).

Authority: 16 U.S.C. 470j.

Dated: June 4, 2008.

John N. Fowler,

Executive Director.

[FR Doc. E8–13004 Filed 6–11–08; 8:45 am]

BILLING CODE 4310–K6–M

DEPARTMENT OF AGRICULTURE

Forest Service

Goose Creek Watershed Livestock Grazing Analysis on the Tongue Ranger District, Bighorn National Forest, Sheridan and Johnson Counties, WY

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to update range management planning on seven (7) cattle and horse allotments in the Goose Creek area, which will result in development of new allotment management plans (AMPs). The agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people may become aware of how they may participate in the process and contribute to the final decision.

DATES: Comments and input regarding the proposal were requested from the public, other groups and agencies, via a legal notice published in the Casper Star-Tribune November 7, 2007. Additional comments may be made at the addresses below, and would be most helpful if submitted within thirty days of the publication of this notice. Based on past actions of this type, the Responsible Official has determined that an environmental impact statement will be prepared for this project. The draft environmental impact statement is expected March 2009, and the final environmental impact statement is expected June 2009.

ADDRESSES: Send written comments to Clarke McClung, Tongue District Ranger, 2013 Eastside Second Street, Sheridan, Wyoming 82801.

FOR FURTHER INFORMATION CONTACT: Laurie Walters-Clark, Interdisciplinary Team Leader, Bighorn National Forest, phone (307) 674–2600.

SUPPLEMENTARY INFORMATION: The allotments are located approximately 25 miles by road, west of Sheridan, Wyoming in the Big Goose drainage. National Forest System lands within the Bighorn National Forest will be considered in the proposal. The purpose of the analysis is to determine if livestock grazing will continue on the analysis area. If the decision is to continue livestock grazing, then updated management strategies outlining how livestock will be grazed will be developed to assure implementation of the 2005 Revised Bighorn National Forest Land and Resource Management Plan (Forest Plan) management direction. The analysis will consider actions that continue to improve trends in vegetation, watershed conditions, and ecological sustainability relative to livestock grazing within the allotments. Management actions are proposed to be implemented beginning in the year 2011.

The Bighorn Forest Plan identifies livestock grazing as an appropriate use and makes initial determinations for land scapable and suitable for grazing by domestic livestock. The seven allotments involved are: Big Goose, Little Goose, Rapid Creek, Little Goose Canyon, Walker Prairie, Tourist, and Stull Lakes.

Purpose and Need for Action: The purpose of this project is to determine if livestock grazing will continue to be authorized on the seven allotments, and if it is to continue, how to best utilize adaptive management strategies to maintain or achieve desired conditions and meet forest plan objectives. Livestock grazing is currently occurring on most of the allotments under existing allotment management plans (AMPs) and through direction provided in the Annual Operating Instructions (AOI). Portions of the Stull Lakes allotment are vacant; however, livestock grazing is occurring on the Antler Creek portion. Continuation of livestock grazing will require the review of existing management strategies and, if necessary, updating them to implement forest plan direction and meet Section 504 of Public Law 104–19 (Rescission Bill, signed 7/27/95). The results of this analysis may require modifying term grazing permits. Modification will be documented in updated AMPs for the allotments.

Proposed Action: The proposed action is to continue livestock grazing using adaptive management strategies to meet or move toward Forest Plan and allotment-specific desired conditions. This includes changing livestock management strategies and construction of additional improvements (fences and water developments).

Possible Alternatives: Two additional alternatives have been identified to date: (1) No action; remove livestock grazing from these allotments, and (2) No change; continuance of current management strategies.

Responsible Official: Clarke McClung, District Ranger, Tongue Ranger District, Bighorn National Forest, 2013 Eastside 2nd Street, Sheridan, Wyoming 82801.

Nature of Decision To Be Made: The Responsible Official will consider the results of the analysis and its finding and then document the final decision in a Record of Decision (ROD). The decision will determine whether or not to authorize livestock grazing on all, part, or none of the allotments, and if so, what adaptive management design criteria, adaptive options, and monitoring will be implemented so as to meet or move toward the desired conditions in the defined timeframe.

Scoping Process: Formal scoping for this project occurred in November 2007.

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: June 4, 2008.

Clarke McClung,

Tongue District Ranger.

[FR Doc. E8–13060 Filed 6–11–08; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Sites; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108–447)

AGENCY: Caribou-Targhee National Forest, USDA Forest Service.

ACTION: Notice of new fee sites.

SUMMARY: The Soda Springs Ranger District of the Caribou-Targhee National Forest will begin charging a $8.00 fee for overnight camping at the Pine Bar and Mill Canyon Campgrounds on the Soda Springs Ranger District. There will also be a $2.00 fee for an extra vehicle. Overnight camping at other campgrounds on the Caribou-Targhee National Forest has shown that the public appreciates and enjoys the availability of developed recreation campground facilities. Funds from the use of these developed campground facilities will be used for the continued operation and maintenance of Pine Bar and Mill Canyon Campgrounds.

DATES: Pine Bar and Mill Canyon Campgrounds will become available for use May 25, 2009.

ADDRESSES: Forest Supervisor, Caribou-Targhee National Forest, 1405 Hollipark Dr., Idaho Falls, Idaho 83401.

FOR FURTHER INFORMATION CONTACT: Maury Young, Recreation Technician, 208–847–8953, or Bart Andreasen, Recreation Fee Coordinator, 208–624–1165.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established. The Caribou-Targhee National Forest currently has 41 other developed campgrounds. These campgrounds are well used and are very popular during the summer and fall seasons. A business analysis of these two campgrounds has shown that people desire having this sort of developed recreation experience in the Caribou-Targhee National Forest. A market analysis indicates that the $8.00 per night fee is both reasonable and acceptable for this sort of recreation experience.

Date: June 6, 2008.

Larry Timchak,

Caribou-Targhee National Forest Supervisor.

[FR Doc. E8–13188 Filed 6–11–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 08–00008]

Export Trade Certificate of Review

ACTION: Notice of Application for an Export Trade Certificate of Review from American Sugar Export Company LLC.

SUMMARY: Export Trading Company Affairs (''ETCA''), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review (''Certificate''). This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or e-mail at *oetca@ita.doc.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021–X H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. § 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 08–00008.'' A summary of the application follows.

Summary of the Application

Applicant: American Sugar Export Company LLC (''ASEC''), 1875 Pennsylvania Avenue, NW., Washington, DC 20004.

Contact: Robert C. Cassidy, Counsel to the Applicant, Telephone: (202) 863–7282.

Application No.: 08–00008.

Date Deemed Submitted: May 29, 2008.

Members (in addition to applicant): Listed below.

ASEC and its Members seek a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

Products

U.S.-origin sugar and syrups meeting the following definitions: Harmonized Tariff Schedule of the United States (HTSUS) 1701, cane or beet sugar and chemically pure sucrose, in solid form; HTSUS 1806.10.43 through HTSUS 1806.10.75, cane or beet sugar and chemically pure sucrose, in solid form: Containing 90 percent or more by dry weight of sugar; HTSUS 2106.90.42 through HTSUS 2106.90.46, food preparations not elsewhere specified or included: Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, ASEC and its Members intend to undertake the following activities:

1. With respect to the Export Markets, ASEC and/or one or more of its Members may:

a. Engage in joint bidding or selling arrangements and allocate sales resulting from such arrangements among the Members; and

b. By agreement, including agreement with Export Intermediaries:

(i) Establish the prices at which Products will be sold;

(ii) Establish standard terms of sale of Products;

(iii) Establish standard quality grades for Products;

(iv) Establish target prices for sales of Products by its Members, with each Member remaining free to deviate from such target prices in its sole discretion;

(v) Subject to the limitations set forth below, establish the quantity of Products for sales in specific Export Markets;

(vi) Allocate among the Members the Export Markets or customers in the Export Markets;

(vii) Refuse to quote prices for, or to market or sell Products; and

(viii) Engage in joint promotional activities aimed at developing existing or new Export Markets, such as advertising and trade shows;

2. With respect to Export Markets, ASEC may communicate the same information to each Member and, in the event of an over commitment of Products from Members, may communicate with Members about reductions in commitments.

3. ASEC and/or one or more of its Members may enter into agreements to act in certain Export Markets as the Members' exclusive or non-exclusive Export Intermediary(ies) for the quantity of Products dedicated by Members for sale by ASEC or any Member(s) in such Export Markets. In any such agreement (i) ASEC or the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier of Products with respect to such Export Markets and (ii) Members may agree that they will export the quantity of Products dedicated for sales in such Export Markets only through ASEC or the Member(s) acting as the exclusive Export Intermediary, and that they will not export independently any of the Products dedicated to ASEC, either directly or through any other Export Intermediary.

4. ASEC and/or one or more of its Members may enter into exclusive and non-exclusive agreements appointing third parties as Export Intermediaries for the sale of Products in the Export Markets. Such agreements may contain the price, quantity, quality, terms of sales, territorial, and customer restrictions for the Export Markets contained in and subject to the restrictions of paragraph 1, above.

5. The Members may refuse to deal with Export Intermediaries other than ASEC and its Members.

6. ASEC and/or one or more of its Members may solicit individual non-Member Suppliers to sell Products and/or offer Export Trade Facilitation Services through the certified activities of ASEC and/or its Members; provided, however, that ASEC and/or one or more of its Members will make such solicitations or offers to non-Member Suppliers on a transaction-by-transaction basis only and then only when the Members have not independently committed to a total quantity of Products sufficient to cover such transaction and ASEC and/or the Member(s) does not pay non-Member domestic Suppliers more than the price to be received by ASEC and/or its Member(s) pursuant to the transaction, and provided further that ASEC and/or such Member(s) may exchange only such information with such non-Member Suppliers as is reasonably required by such transaction.

7. With respect to the sale of Products to the Export Markets only, ASEC may compile for, collect from, and disseminate to its Members, and the Members may discuss among themselves, in meetings conducted by ASEC or independently via telephone and other modes of communication as they decide appropriate, information about the following subjects:

a. Sales and marketing efforts, and activities and opportunities for sale of Products in Export Markets, including but not limited to selling strategies and pricing, projected demand for Products, standard or customary terms of sales in the Export Markets, prices and availability of Products from competitors, and specifications for Products by customers in the Export Markets;

b. Export prices, Products quality and quantity, Products source, and delivery dates for Products in the Export Markets;

c. Terms and conditions of contracts for sale in the Export Markets of Products by ASEC and its Members;

d. Joint bidding or selling arrangements in the Export Markets, and the allocation of sales resulting from such arrangements among the Members;

e. Expenses specific to exporting to and within the Export Markets, including without limitation, transportation, trans- or intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs duties, and taxes;

f. U.S. and foreign legislation, regulations, and policies affecting export sales; and

g. ASEC's and/or its Members' export operations, including without limitation, sales and distribution networks established by ASEC or its Members in the Export Markets, and prior export sales by Members (including export price information).

8. ASEC and its Members may prescribe conditions for withdrawal of Members from and admission of Members to ASEC; provided, however, that each Member shall have the right to withdraw at any time without further liability to pay dues or assessments except to pay to the corporation any remaining amounts due under a written subscription signed by the Member agreeing to make such contribution.

9. With respect to Products for sale in the Export Markets, ASEC may, for itself or on behalf of its Members, establish and implement a quality assurance

program for Products, including without limitation establishing, staffing, and operating a laboratory to conduct quality testing, promulgating quality standards or grades, inspecting Products samples, and publishing guidelines for and reports of the results of laboratory testing.

10. Applicant may conduct meetings of its Members, including meetings via telephone and other modes of communication as they decide appropriate, to engage in the activities described in paragraphs one through nine, above.

Definitions

''Supplier'' means a person who produces, provides, or sells Products or Export Trade Facilitation Services.

''Export Intermediary'' means a person who acts as a distributor, representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

''Export Trade Facilitation Services'' are activities that assist the progress of exporting, such as professional services in the areas of government relations and assistance with state and federal programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping; export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services; and facilitating the formation of shippers' associations.

Members (Within the Meaning of 325.2(1) of the Regulations)

Suppliers of Products

The Amalgamated Sugar Company, LLC, 3184 Elder Street, Boise, ID 83705, Tel: (208)383–6500, Fax: (208)383–6688.

American Crystal Sugar Company, 101 North Third Street, Moorhead, MN 56560, Tel: 218–236–4400, Fax: 218–236–4422.

American Sugar Holdings, Inc. and American Sugar Refining, Inc. (a subsidiary of American Sugar Holdings, Inc.), 1 Federal Street, Yonkers, NY 10705, Tel: 914–963–2400, Fax: 914–476–4072.

Imperial Sugar Company, One Imperial Square, 8016 Highway 90–A, Sugar Land, TX 77478, Tel: 281–491–9181.

Michigan Sugar Company, 2600 South Euclid Avenue, Bay City, MI 48706, Tel: 989–686–0161, Fax: 989–686–3269.

Minn-Dak Farmers Cooperative, 7525 Red River Road, Wahpeton, ND 58075, Tel: 701–642–8411, Fax: 701–671–1369.

Sidney Sugars Incorporated, 101 North Third Street, Moorhead, MN 56560, Tel: 218–236–4400, Fax: 218–236–4422.

Southern Minnesota Beet Sugar Cooperative, P.O. Box 500, Renville, MN 56284, Tel: 320–329–8305, Fax: 320–329–3252.

Spreckels Sugar Company, Inc., P.O. Box 500, Renville, MN 56284, Tel: 320–329–8305, Fax: 320–329–3252.

United States Sugar Corporation, 111 Ponce de Leon Avenue, Clewiston, FL 33440, Tel: 863–983–8121, Fax: 863–983–9827.

Western Sugar Cooperative, 7555 East Hampden Avenue, Suite 600, Denver, CO 80231, Tel: 303–813–3500, Fax: 303–832–4084.

Export Intermediaries For Products

Domino Foods, Inc., 1 Federal Street, Yonkers, NY 10705–1079, Tel: 914–709–8053.

United Sugars Corporation, 7401 Metro Blvd., Suite 350, Edina, MN 55439, Tel: 952–896–0131, Fax: 952–896–0400.

ASEC has proposed that the following Terms and Conditions govern its proposed Export Trade Activities and Methods of Operation:

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operations, except as provided in paragraph 7, above, neither ASEC nor its Members shall intentionally disclose, directly or indirectly, to each other or any other Supplier of Product any information about its or any Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies or methods, unless: (1) Such information is already generally available to the trade or public; or (2) such disclosure is a material part of the negotiations for an actual or potential bona fide sale or purchase of Product and the disclosure is limited to that prospective purchaser or seller.

2. Participation by a Member in any Export Trade Activity or Method of Operation under the Certificate shall be entirely voluntary to that Member, subject to the provisions of paragraph 8, above, and subject to the honoring of contractual commitments for sales of Product in specific export transactions. A Member may withdraw from coverage under the Certificate at any time by giving written notice to ASEC, a copy of which ASEC shall promptly transmit to the Secretary of Commerce and the Attorney General.

3. ASEC and its Members will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities, or Methods of Operation of a person protected by this certificate of review continues to comply with the standards of Section 303(a) of the Act.

Dated: June 6, 2008.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E8–13200 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–817]

Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Thailand produced and/or exported by G Steel Public Company Limited (G Steel). The period of review (POR) is November 1, 2005 through October 31, 2006. Based on our analysis of comments received, we have made certain adjustments and clerical error corrections for these final results which change the margin. This administrative review also covers Nakornthai Strip Mill Public Co., Ltd. (NSM), an exporter that did not have any U.S. sales or shipments during the POR, and for which the Department is rescinding this review. The final results are listed below in the ''Final Results of Review'' section.

EFFECTIVE DATE: June 12, 2008.

FOR FURTHER INFORMATION CONTACT: Dena Crossland or Stephen Bailey,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–3362 and (202) 482–0193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2007, the Department published the preliminary results and partial rescission of its administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (hot-rolled steel) from Thailand. *See Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission,* 72 FR 69187 (December 7, 2007) (*Preliminary Results*).

We invited parties to comment on our *Preliminary Results.* We received case briefs from respondent G Steel and a domestic interested party, Nucor Corporation (Nucor), on January 7, 2008. Additionally, on January 7, 2008, NSM submitted a letter to the Department, in which it stated that it supported the Department's preliminary determination to rescind the review with respect to NSM because it did not have any entries, exports, or sales of subject merchandise to the United States during the POR. We received rebuttal briefs from G Steel, Nucor, and United States Steel Corporation (petitioner) on January 11, 2008. Since no party requested a hearing, no public hearing was held.

Final Partial Rescission

In our *Preliminary Results,* we preliminarily rescinded the review with respect to NSM because it had no entries of hot-rolled steel from Thailand during the POR. *See Preliminary Results.* We have received no new information contradicting this decision. Therefore, we are rescinding the administrative review with respect to NSM.

Scope of the Antidumping Duty Order

The products covered by this antidumping duty order are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included within the scope of this order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and CBP purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

The Department received case and rebuttal briefs from Nucor and G Steel. Additionally, the Department received a rebuttal brief from petitioner. All case and rebuttal briefs for the final results

are addressed in the ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from Thailand'' from Stephen J. Claeys, Deputy Assistant Secretary, Import Administration, to David M. Spooner, Assistant Secretary, Import Administration, dated June 4, 2008 (Decision Memo), which is hereby adopted by this notice. Additionally, certain issues that contain proprietary information and arguments are addressed in the memorandum ''Analysis Memorandum for the Final Results of Administrative Review of Certain Hot-Rolled Carbon Steel Flat Products from Thailand: G Steel Public Company Limited'' from Dena Crossland, Analyst, to The File, through Angelica L. Mendoza, Program Manager, AD/CVD Operations, Office 7, dated June 4, 2008 (Final Analysis Memo), which is also hereby adopted by this notice.

Attached to this notice as an appendix is a list of the issues that Nucor and G Steel have raised and to which we have responded in the Decision Memo. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in the Decision Memo, which is on file in the Department's Central Records Unit, located at 14th Street and Constitution Avenue, NW., Room 1117. In addition, a complete version of the Decision Memo can be accessed directly on the Import Administration Web site at *http://ia.ita.doc.gov/* under the heading **Federal Register** Notices. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we made the following changes from the *Preliminary Results*:

(1) We revised our adverse facts available methodology by relying on G Steel's sales to unaffiliated customers and the sales from G Steel's resellers to end-users in the margin calculation, and excluding G Steel's sales to its affiliated resellers from the margin calculation. Therefore, we have not utilized the arm's-length test;

(2) We revised our adverse facts available methodology for purposes of the cost test by comparing the home market sales to unaffiliated customers to the CONNUM with the highest cost;

(3) We used home market net quantity, rather than home market gross quantity, in our analysis;

(4) We made adjustments for quantity and indirect selling expenses in G Steel's reseller databases; and

(5) We disregarded from our analysis G Steel's purchases of hot-rolled steel products from a certain supplier.

Final Results of Review

We determine that the following dumping margin exists for the period November 1, 2005, through October 31, 2006:

Manufacturer/exporter	Margin (percent)
G Steel Public Company Limited	6.40

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by companies included in these final results of review for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). Antidumping duties for the rescinded company NSM, shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of hot-rolled steel from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates indicated above; (2) for previously 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, or in the less-than-fair-value (LTFV) investigation, but the manufacturer is, then 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 3.86 percent, the all-others rate established in the LTFV investigation (66 FR 49622; September 28, 2001). These deposit requirements shall remain in effect until further notice.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

We are issuing and publishing these final results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 4, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

Comment 1: Use of Adverse Facts Available.
Comment 2: Affiliation.

Comment 3: Reseller Databases.
Comment 4: Clerical Errors.
Comment 5: Liquidation Instructions.

[FR Doc. E8–13267 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Cordell Bank National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Cordell Bank National Marine Sanctuary (CBNMS or Sanctuary) is seeking applicants for the following vacant seats on its Sanctuary Advisory Council (Council): Education Primary. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve 2–3 year terms, pursuant to the Council's Charter.

DATES: Applications are due by July 31st, 2008.

ADDRESSES: Application kits may be obtained on the Cordell Bank Web site at: *http://cordellbank.noaa.gov*, and from Cordell Bank National Marine Sanctuary, Rowena Forest, P.O. Box 159, Olema, CA 94950. Completed applications should be sent to the above mailing address or faxed to (415) 663–0315.

FOR FURTHER INFORMATION CONTACT: Rowena Forest/CBNMS, *Rowena.Forest@noaa.gov*, P.O. Box 159, Olema, CA 94950, (415) 663–0314 x105.

SUPPLEMENTARY INFORMATION: The Advisory Council for Cordell Bank was established in 2002 to support the joint management plan review process currently underway for the CBNMS and its neighboring sanctuaries, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries. The Council has members representing education, research, conservation, maritime activity, and community-at-large. The government seats are held by representatives from the National Marine Fisheries Service, the United States Coast Guard, and the managers of the Gulf of the Farallones, Monterey Bay and Channel Islands National Marine Sanctuaries. The Council holds four regular meetings per year, and one annual retreat.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated May 30, 2008.

Daniel J. Basta,

Director, National Marine Sanctuary Program, National Ocean Services, National Oceanic and Atmospheric Administration.

[FR Doc. E8–12915 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XI33

Marine Mammals; File No. 13428

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Niladri Basu, Ph.D., Department of Environmental Health Sciences, University of Michigan, 109 South Observatory Road, Ann Arbor, MI 48109–2029, has applied in due form for a permit to import tissues from baikal seals (Phoca sibirica) from Japan for the purpose of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before July 14, 2008.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 13428.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kate Swails, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant is requesting authorization to import 40 brain tissues from baikal seals. These samples were collected in 2005 under a joint agreement between the East-Siberian Research and Production Fisheries Center (Russia) and the Center for Marine Environmental Studies (Japan). The purpose of this study is to determine: (1) the types and amounts of heavy metals that baikal seals accumulate in specific brain regions; and (2) whether these exposures are a neurotoxicological concern by using novel biomarker technologies. A permit is requested for the duration of one year.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 6, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XI16

Small Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of a Liquefied Natural Gas Facility off Massachusetts

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Neptune LNG, L.L.C. (Neptune) to take, by harassment, small numbers of several species of marine mammals incidental to construction of an offshore liquefied natural gas (LNG) facility in Massachusetts Bay for a period of 1 year.

DATES: Effective July 1, 2008, through June 30, 2009.

ADDRESSES: A copy of the IHA and application are available by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225 or by telephoning the contact listed here. A copy of the application containing a list of references used in this document may be obtained by writing to this address, by telephoning the contact listed here (**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.

The Maritime Administration (MARAD) and U.S. Coast Guard (USCG) Final Environmental Impact Statement (Final EIS) on the Neptune LNG Deepwater Port License Application is available for viewing at *http://dms.dot.gov* under the docket number 22611.

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

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of ™all numbers 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, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking 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 establishes an expedited process by which citizens of the U.S. can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except for certain categories of 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 small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On December 27, 2007, NMFS received an application from Neptune requesting an IHA to take small numbers of several species of marine mammals, by Level B (behavioral) harassment, for a period of 1 year, incidental to construction of an offshore LNG facility in Massachusetts Bay.

Description of the Project

On March 23, 2007, Neptune received a license to own, construct, and operate a deepwater port (Port or Neptune Port) from MARAD. The Port, which will be located in Massachusetts Bay, will consist of a submerged buoy system to dock specifically designed LNG carriers approximately 22 mi (35 km) northeast of Boston, Massachusetts, in Federal waters approximately 260 ft (79 m) in depth. The two buoys will be separated by a distance of approximately 2.1 mi (3.4 km).

Neptune will be capable of mooring LNG shuttle and regasification vessels (SRVs) with a capacity of approximately 140,000 cubic meters (m^3). Up to two SRVs will temporarily moor at the proposed deepwater port by means of a submerged unloading buoy system. Two separate buoys will allow natural gas to be delivered in a continuous flow, without interruption, by having a brief overlap between arriving and departing SRVs. The annual average throughput capacity will be around 500 million standard cubic feet per day (mmscfd) with an initial throughput of 400 mmscfd, and a peak capacity of approximately 750 mmscfd.

The SRVs will be equipped to store, transport, and vaporize LNG, and to odorize, meter and send out natural gas by means of two 16–in (40.6–cm) flexible risers and one 24–in (61–cm) subsea flowline. These risers and flowline will lead to a proposed 24–in (61–cm) gas transmission pipeline connecting the deepwater port to the existing 30–in (76.2–cm) Algonquin Hubline™ (Hubline™) located approximately 9 mi (14.5 km) west of the proposed deepwater port location. The Port will have an expected operating life of approximately 20 years. Figure 1–1 of Neptune's application shows an isometric view of the Port.

On February 15, 2005, Neptune submitted an application to the USCG and MARAD under the Deepwater Port Act for all Federal authorizations required for a license to own, construct, and operate a deepwater port for the import and regasification of LNG off the coast of Massachusetts. Because, as described later in this document, there is a potential for marine mammals to be taken by haras™ent, incidental to construction of the facility and its pipeline, Neptune has applied for a 1–year IHA for activities commencing in July 2008. Detailed information on these activities can be found in the MARAD/USCG Final EIS on the Neptune Project (see **ADDRESSES** for availability).

Detailed information on the LNG facility's pipeline and port construction and noise generated from these activities was included in NMFS' Notice of Proposed IHA, which published in the **Federal Register** on February 19, 2008 (73 FR 9092). No changes have been made to these proposed activities.

Comments and Responses

A notice of receipt and request for public comment on the application and proposed authorization was published on February 19, 2008 (73 FR 9092). During the 30–day public comment period, NMFS received the following comments from the Marine Mammal Commission (MMC), the Whale Center of New England (WCNE), Nahant Safer Waters in Massachusetts, Inc. (SWIM), and one private citizen.

Comment 1: The MMC recommends issuance of the IHA provided that all mitigation, monitoring, and reporting measures identified in the proposed IHA **Federal Register** notice (73 FR 9092, February 19, 2008) are included in the authorization.

Response: NMFS agrees with the MMC's recommendation. All measures proposed in the initial **Federal Register** notice are included in the authorization.

Comment 2: The MMC recommends that the beginning of construction activities in 2009 be postponed until June 1 instead of beginning on May 1. The MMC notes that NMFS' proposed vessel speed limits in the area from January 1 to May 15, to reduce the likelihood of vessel collisions with the North Atlantic right whale, indicate that right whales may be present into the middle of May. Delaying construction until June 1 will allow a two-week buffer to increase the likelihood that all right whales have left the area.

Response: The authorization requires Neptune to employ both a visual monitoring program and a passive acoustic monitoring (PAM) program for detection of North Atlantic right whales and other marine mammals in the vicinity of construction activities. Both of these programs were developed in accordance with recommendations made by the NMFS Northeast Region during its section 7 consultation under the Endangered Species Act (ESA) and by the Stellwagen Bank National Marine Sanctuary (SBNMS). All construction activities will be conducted under a level of heightened awareness if a North Atlantic right whale is acoustically detected by the PAM devices. Construction will cease if a whale is detected either visually within 500 yards (457 m) of construction activities or acoustically and will not resume until the animal is known to have left the area. Therefore, NMFS believes that the use of this dual monitoring program will reduce the potential for impacts to the North Atlantic right whale to the lowest level practicable, even with construction activities resuming on May 1, 2009.

Comment 3: The MMC notes that construction activities producing loud noises could occur at night and under poor sighting conditions when visual detections of animals would be impaired. Even under good sighting conditions, observers are unlikely to see all whales or protected species in the immediate vicinity of the construction site. The MMC states that the use of PAM provides additional, but limited, means of detection of vocalizing marine mammals in the vicinity. The MMC recommends that a real-time passive acoustic array be used at all times during the construction period as a supplement to visual monitoring efforts.

Response: NFMS agrees with the MMC that PAM should be used at all times during the construction period. A detailed description of how PAM will be used to assist visual monitoring is provided in the draft Prevention, Monitoring, and Mitigation Plan for the Construction Phase: Neptune Project, Massachusetts Bay (Neptune, 2008). The PAM primarily serves as an early warning and supplemental measure for marine mammal visual monitoring provided by two marine mammal observers (MMOs) on each construction vessel. The PAM will be a near real-time system. Neptune will equip MMOs with night vision devices for marine mammal monitoring during low-light hours.

Comment 4: The MMC and WCNE both concur with NMFS' finding in the proposed IHA **Federal Register** notice that the take numbers requested in Neptune's application seem a bit low (73 FR 9092, February 19, 2008). Therefore, the MMC recommends that NMFS reanalyze marine mammal density in the area, the area to be ensonified to 160 dB, and the number of days that construction activities will occur to derive more accurate estimates of the numbers of marine mammals likely to be taken incidental to construction.

Response: NMFS recalculated the cetacean density data and estimated take number based on the compilation of a large number of databases published by the National Centers for Coastal Ocean Science (NCCOS, 2006). The recalculated density numbers were then multiplied by the area to be ensonified to 120 dB, which is used as the threshold for estimating the onset of Level B (behavioral) haras™ent for continuous sounds. The number of days that construction activities will occur were also included. Please refer to the ''Estimates of Take by Harassment'' section found later in this document for a detailed description of how the new take numbers were calculated.

Comment 5: The WCNE questions why only acoustic models were used to determine the zone of influence (ZOI) created by construction activities for this project. Referring to the Northeast Gateway LNG Port (NEG or NEG Port), the WCNE states that there was a significant amount of data gathered on the sounds created by, and the zone of impact from that project, through the use of required passive acoustic arrays. The WCNE suggests that these data should be analyzed and made available to test whether the ZOI suggested by Neptune's acoustic models are supported. Until such actual results are available and analyzed, the WCNE suggests that no action should take place on the current permit application.

Response: The acoustic array in place in Massachusetts Bay near the NEG Port and the site of construction for Neptune has not been used for sound source verification of vessel noise and other acoustic activities that occurred last year during construction of the NEG Port. Similarly, they were not used to validate the ZOI around the NEG Port construction site. NMFS has determined that in the absence of any in-water measurements, acoustic models must be used to determine the ZOI. The modeling conducted very early in the planning stages for the project, before a company had been contracted to perform the Neptune Port construction, most likely overestimates the 120–dB ZOI. In a letter submitted by Neptune to NMFS on May 28, 2008, Neptune indicated that certain vessels were used in the modeling as worst case examples. The pipeline construction company now under contract to construct the Neptune Port will not be using a vessel such as the *Britoil 51*, which was used in the modeling and shown to have a broadband source level of 199.7 dB re 1 μPa at 1m. Construction will involve vessels closer in characteristics to other vessels that were modeled, creating an area of 120–dB ensonification of approximately 52 km^2 (15 nm^2), not the maximum of approximately 161 km^2 (47 nm^2) predicted in the original modeling.

Comment 6: The WCNE states that in their research efforts on northern Stellwagen Bank in 2006, they identified over 250 individual humpback whales, including 33 mother-calf pairs using standard photo-identification techniques, and even that number is considered an underestimate by the WCNE. Similar numbers, with

similar effort, were identified by the WCNE in 2007. Given the proximity of the project to Stellwagen Bank, the WCNE states that it is possible for any of these animals on any given day to be exposed to project noise of over 120 dB or to other related activities which could disturb them.

Response: NMFS believes a small number of humpback whales might be incidentally taken by Level B harassment if they happen to occur in the ZOI where noise from construction activities reach over 120 dB. However, the maximum size of the ZOI has been recalculated to be 52 km^2 (15 nm^2) with a vessel's dynamic positioning thrusters being operated at the surface. This maximum ZOI would only occur inside the SBNMS' western boundary, in an area that is still northwest of Stellwagen Bank. In addition, between the proposed project are and Stellwagen Bank, there is a steep drop off from the 50–m isobath where construction noise would not propagate as far when compared to at the surface, where the maximum ZOI could occur. Therefore, the identification of 250 individual humpback whales in the northern Stellwagen Bank by the WCNE does not mean that individuals on the Bank would be harassed. To the contrary, the fact that the majority of whales occur within the SBNMS, especially gathering around the Stellwagen Bank, means that fewer whales would be taken by Level B harassment in the vicinity of the project area, which is outside the Sanctuary's boundaries.

Comment 7: Citing the WCNE's own research on humpback whales in the SBNMS and other studies (cited as Seipt *et al.*, 1989), the WCNE states that a more realistic upper bound of the number of animals that may be taken during any given year by the project is more likely to be up to 400 individuals each of humpback, fin, and minke whales, each of which may be taken multiple times on multiple days (no calculation provided).

Response: NMFS cannot evaluate whether the WCNE's estimated take numbers are scientifically supported because the WCNE did not provide any valid calculation indicating how these numbers were assessed. The photo-identification of 250 humpback whales (including 33 mother-calf pairs) in the northern Stellwagen Bank, as mentioned in the previous Comment, does not support the WCNE's take estimate. The research conducted by Seipt *et al.* (1990), titled ''*Population Characteristics of Individual Fin Whales, Balaenoptera physalus, in Massachusetts Bay, 1980–1987*,'' was published in the Fishery Bulletin in 1990. While the study described the use of photo-identification technology on fin whale population studies in Massachusetts Bay and presented fin whale sighting and resighting data between 1980 and 1987, it did not provide any population estimate or density assessment of the species in the study area. Therefore, NMFS does not believe these data can be used for fin whale take estimates in the proposed project area.

In addition, NMFS' own population assessment of the Gulf of Maine humpback stock is 847 whales (Waring *et al.*, 2007). The WCNE's estimated annual take of 400 humpback whales (47 percent of the population) within a maximum 120 dB re 1 μPa ZOI of 52 km^2 (15 nm^2) is not scientifically supportable. Likewise, the WCNE's estimated annual take numbers of 400 fin whales, which accounts for 18 percent of the Western North Atlantic population of 2,269 whales (Waring *et al.*, 2007); and 400 minke whales, which is 12 percent of the Canadian East Coast population of 3,312 whales (which are mostly sighted off Nova Scotia and New Brunswick, Canada; Waring *et al.*, 2007); are not good estimates because no valid calculations were provided on how these numbers were derived.

Comment 8: Although the data on the number of right whales that use the area, especially during the winter and early spring, are limited, the WCNE indicates that the data they do have suggests the project site is one of the more frequently used sites within their study area, and acoustic detections of whales in the past two years have been numerous. The WCNE believes it is likely that whales which use Jeffreys Ledge in the fall and Cape Cod Bay (CCB) in the spring transit through the project site. In fall 2007, the WCNE identified over 70 right whales on Jeffreys Ledge in October through December; over 100 individuals were seen in CCB in spring 2007. Hence, the WCNE states that an appropriate estimate of North Atlantic right whales to be harassed by the proposed project would be 100 individuals annually; although if managing conservatively, the actual number might be somewhat higher (no references provided).

Response: Data sets used by the NCCOS (2006), which include survey efforts and sightings data from ship and aerial surveys and opportunistic sources between 1970 and 2005 from a wide range of sources, indicate that right whales spend most of their time across the southern Gulf of Maine in CCB in spring, with highest abundance located over the deeper waters on the northern edge of the Great South Channel and deep waters parallel to the 100–m (328–ft) isobath of northern Georges Bank and Georges Basin. The data collected by the WCNE focused on CCB, which is 30 40 mi (48 64 km) southeast of the proposed project area, and Jeffreys Ledge, which is approximately 12–14 mi (19–22.5 km) northeast of the proposed project area at its southwestern most point. Both areas have different oceanographic features and ecological characteristics and are more important habitat for right whales than the project area. In addition, Weinrich *et al.* (2006), in their report on the distribution of baleen whales in the Neptune proposed LNG project area, state:

> North Atlantic right whales are sporadic visitors to the study area [Neptune project area] during the April to November period. Right whales typically aggregate in [CCB] during the late winter and early spring (Mayo and Marx, 1990), then move east to the Great South Channel during the spring (Kenney and Wishner, 1995). They then move east along the northern edge of Georges Bank, and into the Bay of Fundy and Nova Scotian shelf during the summer and early fall (Kraus *et al.*, 1988; Winn *et al.*, 1986; Baumgartner *et al.*, 2003). Once they leave the Bay of Fundy, pregnant females migrate to the coastal waters of the southern U.S. to calve, while the distribution of much of the rest of the population remains unknown (Winn *et al.*, 1986). Recent work on Jeffreys Ledge, immediately to the north of Cape Ann, has indicated that significant numbers of right whales may use the area as a feeding habitat from October through at least December (Weinrich *et al.*, 2000; Weinrich and Sardi, 2004; Unpublished data).

Right whale sighting plots presented in this report support this statement, and it is consistent with the survey data published in the NCCOS (2006) report, which indicates that right whales do not use the proposed project area regularly, especially during the months for which construction activities are planned. Weekly construction reports submitted by NEG indicated only one visual sighting of a North Atlantic right whale in the NEG project area (which is just south of the Neptune Port) in the month of December. The authorization issued to Neptune does not allow for any construction activities from December 1 through April 30. An acoustic array near the NEG Port construction site detected 11 North Atlantic right whale calls in September, two in October, and two in December. Barring weather delays, construction activities at the Neptune Port in 2008 should be completed in early October. Therefore, NMFS does not believe that the WCNE's estimated annual take of 100 North Atlantic right whales by the proposed project is reasonable, especially given that the WCNE did not provide the calculation

regarding how this take number was assessed.

Comment 9: The WCNE points out that special attention should be given to project activities occurring in the fall. This is a particularly sensitive time for endangered humpback and fin whales, which have been exploiting a new prey source annually since 2000, within the proposed project area, as supported by the studies conducted by Weinrich and Sardi (2005) and as noted in the Neptune LNG Final EIS (USCG and MARAD, 2006). The WCNE states that heavy industrial activity during these months would result in either take levels of these species at far greater levels than during any other month or in habitat displacement altogether. The WCNE notes that while they did see both species feeding in the NEG construction area in fall 2007, there were fewer whales, and those whales were resident for shorter periods, than in the previous three years. Since the WCNE does not have annual measurements of prey biomass, they state that it is possible that this is merely related to annual fluctuations in food availability.

Response: NMFS reviewed the Weinrich and Sardi (2005) report on the distribution of baleen whales in the waters surrounding the Neptune LNG project, but we did not find that the report contained any quantitative analysis of the cetacean density data showing that there is a statistical significance of baleen whales' use of the proposed project area on a seasonal or monthly basis. The cetacean sighting data, plotted in an area that includes most of the SBNMS, part of Massachusetts Bay, the west terminal portion of the Boston Traffic Separation Scheme (TSS), and the proposed project area, clearly show that most humpback, fin, and minke whales were sighted within the SBNMS (Weinrich and Sardi, 2005). NMFS recognizes that there is a potential for take of small numbers of marine mammals by Level B harassment as a result of this project; however, NMFS does not agree with the WCNE that there would be takes at far greater levels during the fall months for humpback and fin whales, as strict monitoring and mitigation measures, described in the ''Marine Mammal Mitigation, Monitoring, and Reporting'' section later in this document, will be implemented to keep the impacts to the lowest level practicable.

Comment 10: The WCNE states that whales would be harassed not just by exposure to sound sources of over 120 dB re 1 μPa, but they may also be disturbed by multiple boats in a limited area. The WCNE cites studies conducted by Borgaard *et al.* (1999) and Stone and Tasker (2006) on whales affected by continuous activity from dredging coupled with vessel traffic and seismic activities. The WCNE states that in its comments regarding the NEG IHA application in 2007, they recommended that if in the first year [of the project] abundance of any of the key species are notably lower than that of previous years, the IHA should stipulate that project operations should cease until it can be determined if that change was related to project activities or other ecological factors. The WCNE notes that abundance was lower, and they believe that the full impact of the project cannot be assessed until the underlying reasons for the lower whale use can be determined.

Response: It is true that marine mammals may be disturbed by multiple boats in a limited area, especially within the Boston TSS. However, this concern is not related to the issuance of this IHA since the construction of a deepwater LNG facility would only increase vessel traffic in the vicinity by a very small amount, about 1.5 percent (NMFS, 2007). The study by Borgaard *et al.* (1999) cited by the WCNE was focused on the effects of large scale industrial activity, which involved dredging and blasting, on large cetaceans in Bull Arm, Trinity Bay, Newfoundland from 1992 through 1995. The research indicates that humpback whales were more affected by continuous activity from dredging, coupled with vessel traffic, but appeared tolerant of transient blasting and frequent vessel traffic. Individually-identified minke whales were resighted in the industrialized area and appeared tolerant of vessel traffic. Stone and Tasker (2006) in their research analyzed the effects of airgun seismic surveys on marine mammals in UK waters. The airgun used in seismic surveys produces impulse sounds, which is fundamentally different sound in acoustic characteristics from the intermittent noises produced during the proposed deepwater LNG port construction. No blasting will occur during Port construction.

The weekly construction reports submitted by NEG to NMFS during its construction phase do not indicate any large or long-term reactions of marine mammals to the presence of the construction or support vessels. When animals were detected within the ZOI, mitigation measures to reduce the ZOI were implemented immediately. The IHA is issued for a duration of 1 year. NMFS will evaluate any new scientific information that may surface during the project period and assess any impacts that may result due to the deepwater port construction and operation. Based on the new information and monitoring reports, NMFS will determine whether any additional monitoring or mitigation measures are warranted for future authorizations.

Comment 11: The WCNE notes that Neptune's application falsely states, ''Pinnipeds are unlikely to be present during summer and will not be affected.'' The WCNE states that they have many sighting records of harbor seals at sea in the project area during the summer months. Hence, they need to be included in any IHA request for the area during summer.

Response: NMFS concurs with the WCNE's assertion that harbor seals should be included in the take authorization. Harbor seals have been added to the IHA (see the ''Marine Mammals Affected by the Activity'' and ''Estimates of Take by Harassment'' sections later in the document).

Comment 12: The WCNE requests that Neptune withdraw the IHA application and resubmit it with more realistic numbers, such as those posed by the WCNE above (i.e., 400 humpback, 400 fin, 400 minke, and 100 North Atlantic right whales, all of which may be taken multiple times over multiple days). They also suggest that Neptune be required to obtain a Letter of Authorization (LOA), rather than an IHA. The WCNE feels that the take levels they posed are more realistic, and coupled with the possibility of displacing animals from preferred food sources, seem to them to be ''well above'' the levels of ''incidental harassment'' for which the permit category is intended.

Response: NMFS has revised the incidental harassment take estimates for project construction. The development of these numbers is explained in the ''Estimates of Take by Harassment'' section found later in this document. Also, as stated in responses above, NMFS does not believe the WCNE's estimated take numbers are scientifically supported, especially given that the WCNE did not provide any valid calculations indicating how these numbers were assessed. NMFS has defined ''incidental harassment'' in 50 CFR 216.103 as ''...an accidental taking. This does not mean that the taking is unexpected, but rather it includes those takings that are infrequent, unavoidable, or accidental.'' NMFS believes that incidental harassment of marine mammals near the Neptune Port construction site will be infrequent.

Comment 13: The WCNE states that they would also be amenable to NMFS issuing the IHA as requested by Neptune in their application to allow

the annual take of two North Atlantic right whales, one minke whale, two fin whales, three humpback whales, and the other take levels requested in the application. The WCNE states, ''If this option is taken, we would strongly urge that the permit include an explicit statement of the maximum number of annual violations that can take place before ALL port construction or operations must cease ANY activity which is likely to harass a marine mammal, either by exposing to sounds above 120 dB or by resulting in a behavioral disturbance, including displacement.'' In order to determine when such a violation occurs, the WCNE requests that Neptune produce real-time, daily plots of sound levels as detected by the acoustic arrays, which can be plotted against independent sightings of marine mammals, as well as all of the acoustic detections of marine mammals by Neptune's array.

Response: The numbers cited by the WCNE from the Neptune application were requests for Port operations, not construction. The requested take numbers for construction in Neptune's application are slightly higher (but only by a few individuals for each species). In its proposed IHA **Federal Register** notice (73 FR 9092, February 19, 2008), NMFS indicated that the take levels requested by Neptune in its application for construction were too low. NMFS reevaluated species density, the area to be ensonified to 120 dB, and number of days of construction to develop more realistic take levels (see the ''Estimates of Take by Harassm≤ent'' section found later in this document).

The taking of marine mammals in a manner not described in the IHA is strictly prohibited. Any violation of the IHA is subject to prosecution; therefore, NMFS does not include ''a maximum number'' of violations that may be committed before enforcement action is taken against the holder. To this end, the IHA issued to Neptune contains the following conditions:

The taking, by incidental Level B harassment only, is limited to the species listed [in the IHA]. The taking by Level A harassment, injury, or death of these species, or the taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization; and

Any person who violates any provision of this IHA is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.

Comment 14: The WCNE urges that there be an explicit stipulation that blasting activities are specifically not covered by the IHA, and such activities would require applying for a new permit and a new public review process.

Response: NMFS concurs with the WCNE. The IHA does not authorize blasting to be used for port construction at the Neptune site. If, during the course of the construction, an unexpected need for blasting arises, the blasting cannot take place until a blasting plan is submitted to the Federal Energy Regulatory Commission (FERC) and a Blasting Mitigation Plan prepared in consultation with NOAA for submittal to, and approval by, FERC. A new application would need to be submitted to NMFS and reviewed in the same manner as the original IHA application.

Comment 15: SWIM notes that the endangered whales that frequent the waters of Massachusetts Bay are utterly dependent upon their hearing and their acoustic ''sonar'' for navigation, finding food, and survival, and that these animals do not remain wholly in the bounds of the SBNMS. SWIM endorses the comments made by the WCNE.

Response: NMFS analyzed the distribution of endangered whales in Massachusetts Bay and determined that ™all numbers of these populations may be impacted by port construction activities but also determined that the activities would have a negligible impact. Several mitigation and monitoring measures are required by the IHA to reduce the impact to the lowest level practicable (see the ''Marine Mammal Mitigation, Monitoring, and Reporting'' section later in this document). Responses to the comments submitted by the WCNE have been provided previously.

Comment 16: One commenter opposed the issuance of permits that allows the killing of marine mammals.

Response: NMFS does not believe that the authorized activities will result in the death (or injury) of any marine mammals, nor does this IHA authorize any marine mammal mortality (or injury).

Marine Mammals Affected by the Activity

Marine mammal species that could occur within the Neptune facility impact area include several species of cetaceans and pinnipeds: North Atlantic right, blue, fin, sei, minke, humpback, killer, long-finned pilot, and sperm whales, Atlantic white-beaked, Atlantic white-sided, bottlenose, common, Risso's, and striped dolphins, harbor porpoise, and gray, harbor, harp, and hooded seals. Table 3–1 in the IHA application outlines the marine mammal species that occur in Massachusetts Bay and the likelihood of occurrence of each species. Information on those species that may be impacted by this activity are discussed in detail in the MARAD/USCG Final EIS on the Neptune LNG proposal. Please refer to that document for more information on these species and potential impacts from construction of this LNG facility. In addition, general information on these marine mammal species can also be found in the NMFS U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (Waring *et al.*, 2007), which is available at: *http://www.nefsc.noaa.gov/nefsc/publications/tm/tm205/*. An updated summary on several commonly sighted marine mammal species distribution and abundance in the vicinity of the action area is provided below.

Humpback Whale

The highest abundance for humpback whales was distributed primarily along a relatively narrow corridor following the 100–m (328 ft) isobath across the southern Gulf of Maine from the northwestern slope of Georges Bank, south to the Great South Channel, and northward alongside Cape Cod to Stellwagen Bank and Jeffreys Ledge. The relative abundance of whales increased in the spring with the highest occurrence along the slope waters (between the 40- and 140–m, 131- and 459–ft, isobaths) off Cape Cod and Davis Bank, Stellwagen Basin and Tillies Basin and between the 50- and 200–m (164– and 656–ft) isobaths along the inner slope of Georges Bank. High abundance was also estimated for the waters around Platts Bank. In the summer months, abundance increased markedly over the shallow waters (<50 m, or <164 ft) of Stellwagen Bank, the waters (100–200 m, 328–656 ft) between Platts Bank and Jeffreys Ledge, the steep slopes (between the 30- and 160–m isobaths, 98- and 525–ft isobaths) of Phelps and Davis Bank north of the Great South Channel towards Cape Cod, and between the 50– and 100–m (164– and 328–ft) isobath for almost the entire length of the steeply sloping northern edge of Georges Bank. This general distribution pattern persisted in all seasons except winter, when humpbacks remained at high abundance in only a few locations including Porpoise and Neddick Basins adjacent to Jeffreys Ledge, northern Stellwagen Bank and Tillies Basin, and the Great South Channel.

Fin Whale

Spatial patterns of habitat utilization by fin whales were very similar to those of humpback whales. Spring and summer high-use areas followed the 100–m (328 ft) isobath along the northern edge of Georges Bank (between the 50– and 200–m, 164– and 656–ft,

isobaths), and northward from the Great South Channel (between the 50– and 160–m, 164– and 525–ft, isobaths). Waters around Cashes Ledge, Platts Bank, and Jeffreys Ledge are all high-use areas in the summer months. Stellwagen Bank was a high-use area for fin whales in all seasons, with highest abundance occurring over the southern Stellwagen Bank in the summer months. In fact, the southern portion of SBNMS was used more frequently than the northern portion in all months except winter, when high abundance was recorded over the northern tip of Stellwagen Bank. In addition to Stellwagen Bank, high abundance in winter was estimated for Jeffreys Ledge and the adjacent Porpoise Basin (100- to 160–m, 328– to 525–ft, isobaths), as well as Georges Basin and northern Georges Bank.

Minke Whale

Like other piscivorus baleen whales, highest abundance for minke whale was strongly associated with regions between the 50- and 100–m (164- and 328–ft) isobaths, but with a slightly stronger preference for the shallower waters along the slopes of Davis Bank, Phelps Bank, Great South Channel, and Georges Shoals on Georges Bank. Minke whales were sighted in SBNMS in all seasons, with highest abundance estimated for the shallow waters (approximately 40 m, 131 ft) over southern Stellwagen Bank in the summer and fall months. Platts Bank, Cashes Ledge, Jeffreys Ledge, and the adjacent basins (Neddick, Porpoise, and Scantium) also supported high relative abundance. Very low densities of minke whales remained throughout most of the southern Gulf of Maine in winter.

North Atlantic Right Whale

North Atlantic right whales were generally distributed widely across the southern Gulf of Maine in spring with highest abundance located over the deeper waters (100– to 160–m, or 328- to 525–ft, isobaths) on the northern edge of the Great South Channel and deep waters (100–300 m, 328–984 ft) parallel to the 100–m (328–ft) isobath of northern Georges Bank and Georges Basin. High abundance was also found in the shallowest waters (< 30 m, <98 ft) of CCB, over Platts Bank and around Cashes Ledge. Lower relative abundance was estimated over deep-water basins including Wilkinson Basin, Rodgers Basin, and Franklin Basin. In the summer months, right whales moved almost entirely away from the coast to deep waters over basins in the central Gulf of Maine (Wilkinson Basin, Cashes Basin between the 160- and 200–m, 525- and 656–ft, isobaths) and north of Georges Bank (Rogers, Crowell, and Georges Basins). Highest abundance was found north of the 100–m (328–ft) isobath at the Great South Channel and over the deep slope waters and basins along the northern edge of Georges Bank. The waters between Fippennies Ledge and Cashes Ledge were also estimated as high-use areas. In the fall months, right whales were sighted infrequently in the Gulf of Maine, with highest densities over Jeffreys Ledge and over deeper waters near Cashes Ledge and Wilkinson Basin. In winter, CCB, Scantum Basin, Jeffreys Ledge, and Cashes Ledge were the main high-use areas. Although SBNMS does not appear to support the highest abundance of right whales, sightings within SBNMS are reported for all four seasons, albeit at low relative abundance. Highest sighting within SBNMS occurred along the southern edge of the Bank.

Pilot Whale

Pilot whales arrived in the southern Gulf of Maine in spring, with highest abundance in the region occurring in summer and fall. Summer high-use areas included the slopes of northern Georges Bank along the 100–m (328–ft) isobath and pilot whales made extensive use of the shoals of Georges Bank (<60 m, <97 ft, depth). Similarly, fall distributions were also primarily along the slopes of northern Georges Bank, but with high-use areas also occurring in the deep-water basins and ledges of the south-central Gulf of Maine. Within SBNMS, pilot whales were sighted infrequently and were most often estimated at low density. CCB and southern SBNMS were the only locations with pilot whale sightings for winter.

Atlantic White-sided Dolphin

In spring, summer and fall, Atlantic white-sided dolphins were widespread throughout the southern Gulf of Maine, with the high-use areas widely located on either side of the 100–m (328–ft) isobath along the northern edge of Georges Bank, and north from the Great South Channel to Stellwagen Bank, Jeffreys Ledge, Platts Bank, and Cashes Ledge. In spring, high-use areas existed in the Great South Channel, northern Georges Bank, the steeply sloping edge of Davis Bank, and Cape Cod, southern Stellwagen Bank, and the waters between Jeffreys Ledge and Platts Bank. In summer, there was a shift and expansion of habitat toward the east and northeast. High-use areas were identified along most of the northern edge of Georges Bank between the 50– and 200–m (164– and 656–ft) isobaths and northward from the Great South Channel along the slopes of Davis Bank and Cape Cod. High sightings were also recorded over Truxton Swell, Wilkinson Basin, Cashes Ledge and the bathymetrically complex area northeast of Platts Bank. High sightings of white-sided dolphin were recorded within SBNMS in all seasons, with highest density in summer and most widespread distributions in spring located mainly over the southern end of Stellwagen Bank. In winter, high sightings were recorded at the northern tip of Stellwagen Bank and Tillies Basin.

A comparison of spatial distribution patterns for all baleen whales (Mysticeti) and all porpoises and dolphins combined showed that both groups have very similar spatial patterns of high- and low-use areas. The baleen whales, whether piscivorus or planktivorous, were more concentrated than the dolphins and porpoises. They utilized a corridor that extended broadly along the most linear and steeply sloping edges in the southern Gulf of Maine indicated broadly by the 100 m (328 ft) isobath. Stellwagen Bank and Jeffreys Ledge supported a high abundance of baleen whales throughout the year. Species richness maps indicated that high-use areas for individual whales and dolphin species co-occurred, resulting in similar patterns of species richness primarily along the southern portion of the 100–m (328–ft) isobath extending northeast and northwest from the Great South Channel. The southern edge of Stellwagen Bank and the waters around the northern tip of Cape Cod were also highlighted as supporting high cetacean species richness. Intermediate to high numbers of species are also calculated for the waters surrounding Jeffreys Ledge, the entire Stellwagen Bank, Platts Bank, Fippennies Ledge, and Cashes Ledge.

Killer Whale, Common Dolphin, Bottlenose Dolphin, and Harbor Porpoise

Although these four species are some of the most widely distributed small cetacean species in the world (Jefferson *et al.*, 1993), they were not commonly seen in the vicinity of the project area in Massachusetts Bay (Wiley *et al.*, 1994; NCCOS, 2006; Northeast Gateway Marine Mammal Monitoring Weekly Reports, 2007).

Harbor Seal and Gray Seal

In the U.S. western North Atlantic, both harbor and gray seals were usually found from the coast of Maine south to southern New England and New York (Waring *et al.*, 2007).

Along the southern New England and New York coasts, harbor seals occur seasonally from September through late May (Schneider and Payne, 1983). In recent years, their seasonal interval along the southern New England to New Jersey coasts had increased (deHart, 2002). In U.S. waters, harbor seal breeding and pupping normally occur in waters north of the New Hampshire/Maine border, although breeding has occurred as far south as Cape Cod in the early part of the 20th century (Temte *et al.*, 1991; Katona *et al.*, 1993).

Although gray seals were often seen off the coast from New England to Labrador, within U.S. waters, only ™all numbers of gray seals have been observed pupping on several isolated islands along the Maine coast and in Nantucket-Vineyard Sound, Massachusetts (Katona *et al.*, 1993; Rough, 1995). In the late 1990s, a year-round breeding population of approximately 400 gray seals was documented on outer Cape Cod and Muskeget Island (Waring *et al.*, 2007).

Potential Effects on Marine Mammals

The effects of sound on marine mammals are highly variable and can be categorized as follows (based on Richardson *et al.*, 1995): (1) The sound may be too weak to be heard at the location of the animal (i.e., lower than the prevailing ambient noise level, the hearing threshold of the animal at relevant frequencies, or both); (2) the sound may be audible but not strong enough to elicit any overt behavioral response; (3) the sound may elicit reactions of variable conspicuousness and variable relevance to the well being of the marine mammal; these can range from temporary alert responses to active avoidance reactions, such as vacating an area at least until the sound ceases; (4) upon repeated exposure, a marine mammal may exhibit diminishing responsiveness (habituation) or disturbance effects may persist; the latter is most likely with sounds that are highly variable in characteristics, infrequent, and unpredictable in occurrence, and associated with situations that a marine mammal perceives as a threat; (5) any anthropogenic sound that is strong enough to be heard has the potential to reduce (mask) the ability of a marine mammal to hear natural sounds at similar frequencies, including calls from conspecifics, and underwater environmental sounds such as surf noise; (6) if mammals remain in an area because it is important for feeding, breeding, or some other biologically important purpose even though there is chronic exposure to sound, it is possible that there could be sound-induced physiological stress; this might in turn have negative effects on the well-being or reproduction of the animals involved; and (7) very strong sounds have the potential to cause temporary or permanent reduction in hearing sensitivity. In terrestrial mammals, and presumably marine mammals, received sound levels must far exceed the animal's hearing threshold for there to be any temporary threshold shift (TTS) in its hearing ability. For transient sounds, the sound level necessary to cause TTS is inversely related to the duration of the sound. Received sound levels must be even higher for there to be risk of permanent hearing impairment. In addition, intense acoustic (or explosive events) may cause trauma to tissue associated with organs vital for hearing, sound production, respiration, and other functions. This trauma may include minor to severe hemorrhage.

Sound from Port and pipeline construction will cause some possible disturbance to small numbers of cetaceans and pinnipeds. The installation of the suction piles will produce only low levels of sound during the construction period and will not increase the numbers of animals affected. Modeling results indicate that noise levels would be below 90 dB re 1 μPa within 0.2 mi (0.3 km) of the source.

During construction of the Port and pipeline, underwater sound levels will be temporarily elevated. These elevated sound levels may cause some species to temporarily disperse from or avoid construction areas, but they are expected to return shortly after construction is completed.

The likelihood of a vessel strike of a marine mammal during pipe laying and trenching operations is low since equipment will be towed at very slow speeds (approximately 5 ft/min, 1.5 m/min). Any whales foraging near the bottom would be able to avoid collision or interaction with the equipment, and displacement would be temporary for the duration of the plow pass.

Using conservative estimates of both marine mammal densities in the Project area and the size of the 120–dB ZOI, the calculated number of individual marine mammals for each species that could potentially be harassed annually is small. NMFS concluded that there would be no biologically significant effects on the survival and reproduction of these species or stocks. Please see the ''Estimates of Take by Harassment'' section for the calculation of these numbers.

Estimates of Take by Harassment

There are three general types of sounds recognized by NMFS: continuous, intermittent (or transient), and pulsive. Sounds of short duration that are produced intermittently or at regular intervals, such as sounds from pile driving, are classified as ''pulsed.'' Sounds produced for extended periods, such as sound from generators, are classified as ''continuous.'' Sounds from moving sources, such as ships, can be continuous, but for an animal at a given location, these sounds are ''transient'' (i.e., increasing in level as the ship approaches and then diminishing as it moves away). Construction of the Port will not cause pulsive sounds.

The sound sources of potential concern are continuous and intermittent sound sources, including underwater noise generated during pipeline/flowline construction. Both continuous and intermittent noise sources are subject to NMFS' 120 dB re 1 μPa threshold for determining levels of continuous underwater noise that may result in the disturbance of marine mammals.

Pipe-laying activities will generate continuous but transient sound and will likely result in variable sound levels during the construction period. Depending on water depth, the 120–dB contour during pipe-laying activities will extend from the source (the Port) out to 3.9 km (2.1 nm) and cover an area of 52 km^2 (15 nm^2), and, for the flowline at the Port, the 120–dB contour will extend from the pipeline route out to 4.2 km (2.3 nm) and cover an area of 49 km^2 (14.3 nm^2). (This information is different from what is contained in the March 23, 2007, application submitted by Neptune to NMFS. Neptune conducted its acoustic modeling in the very early planning stages of the project, when little information was available on the types of vessels that could potentially be used during construction. Since that time, a contractor has been hired to construct the Port. The vessels to be used during Neptune Port construction are estimated to generate broadband underwater source levels in the range of 180 dB re 1 μPa at 1m, similar to several of the vessels modeled by JASCO for Neptune and not in the range of 200 dB re 1 μPa at 1m, which was also included in the original modeling as a worst case scenario. For more information on the modeling conducted by JASCO, please refer to Appendix B of Neptune's application.) Installation of the suction pile anchors at the Port will produce only low levels of underwater sound, with no source

levels above 120–dB for continuous sound.

The basis for Neptune's ''take'' estimate is the number of marine mammals that potentially could be exposed to sound levels in excess of 120 dB. Typically, this is determined by applying the modeled ZOI (e.g., the area ensonified by the 120–dB contour) to the seasonal use (density) of the area by marine mammals and correcting for seasonal duration of sound-generating activities and estimated duration of individual activities when the maximum sound-generating activities are intermittent to occasional. Nearly all of the required information is readily available in the MARAD/USCG Final EIS, with the exception of marine mammal density estimates for the project area. In the case of data gaps, a conservative approach was used to ensure that the potential number of takes is not underestimated, as described next.

NMFS recognizes that baleen whale species other than North Atlantic right whales have been sighted in the project area from May to November. However, the occurrence and abundance of fin, humpback, and minke whales is not well documented within the project area. Nonetheless, NMFS used the data on cetacean distribution within Massachusetts Bay, such as those published by the NCCOS (2006), to determine potential takes of marine mammals in the vicinity of the project area.

The NCCOS study used cetacean sightings from two sources: (1) the North Atlantic Right Whale Consortium (NARWC) sightings database held at the University of Rhode Island (Kenney, 2001); and (2) the Manomet Bird Observatory (MBO) database, held at the NMFS Northeast Fisheries Science Center (NEFSC). The NARWC data contained survey efforts and sightings data from ship and aerial surveys and opportunistic sources between 1970 and 2005. The main data contributors included: the Cetacean and Turtles Assessment Program, the Canadian Department of Fisheries and Oceans, the Provincetown Center for Coastal Studies, International Fund for Animal Welfare, NEFSC, New England Aquarium, Woods Hole Oceanographic Institution, and the University of Rhode Island. A total of 406,293 mi (653,725 km) of survey track and 34,589 cetacean observations were provisionally selected for the NCCOS study in order to minimize bias from uneven allocation of survey effort in both time and space. The sightings-per-unit-effort (SPUE) was calculated for all cetacean species by month covering the southern Gulf of Maine study area, which also includes the project area (NCCOS, 2006).

The MBO's Cetacean and Seabird Assessment Program (CSAP) was contracted from 1980 to 1988 by NEFSC to provide an assessment of the relative abundance and distribution of cetaceans, seabirds, and marine turtles in the shelf waters of the northeastern U.S. (MBO, 1987). The CSAP program was designed to be completely compatible with NEFSC databases so that marine mammal data could be compared directly with fisheries data throughout the time series during which both types of information were gathered. A total of 8,383 mi (5,210 km) of survey distance and 636 cetacean observations from the MBO data were included in the NCCOS analysis. Combined valid survey effort for the NCCOS studies included 913,840 mi (567,955 km) of survey track for small cetaceans (dolphins and porpoises) and 1,060,226 mi (658,935 km) for large cetaceans (whales) in the southern Gulf of Maine. The NCCOS study then combined these two data sets by extracting cetacean sighting records, updating database field names to match the NARWC database, creating geometry to represent survey tracklines and applying a set of data selection criteria designed to minimize uncertainty and bias in the data used.

Based on the comprehensiveness and total coverage of the NCCOS cetacean distribution and abundance study, NMFS calculated the estimated take number of marine mammals based on the most recent NCCOS report published in December, 2006. A summary of seasonal cetacean distribution and abundance in the project area is provided previously in this document, in the ''Marine Mammals Affected by the Activity'' section. For a detailed description and calculation of the cetacean abundance data and SPUE, refer to the NCCOS study (NCCOS, 2006). SPUE for the spring, summer, and fall seasons were analyzed, and the highest value SPUE for the season with the highest abundance of each species was used to determine relative abundance. Based on the data, the relative abundance of North Atlantic right, fin, humpback, minke, and pilot whales and Atlantic white-sided dolphins, as calculated by SPUE in number of animals per square kilometer, is 0.0082, 0.0097, 0.0265, 0.0059, 0.0407, and 0.1314 n/km, respectively.

In calculating the area density of these species from these linear density data, NMFS used 0.4 km (0.25 mi), which is a quarter the distance of the radius for visual monitoring (see Monitoring, Mitigation, and Reporting section later in this document), as a conservative hypothetical strip width (W). Thus the area density (D) of these species in the project area can be obtained by the following formula:

$$D = SPUE/2W$$

Based on the calculation, the estimated take numbers by Level B haras™ent for the 1–year IHA period for North Atlantic right, fin, humpback, minke, and pilot whales and Atlantic white-sided dolphins, within the 120–dB ZOI of the LNG Port facility area of approximately 52 km² (15 nm²) maximum ZOI, corrected for 50 percent underwater, are 48, 57, 155, 35, 238, and 770, respectively. This estimate is based on an estimated 60 days of construction activities that will produce sounds of 120 dB or greater. These numbers represent approximately 15, 2.5, 18, 1, 0.95, and 1.5 percent of the populations for these species in the western North Atlantic, respectively. There is no danger of injury, death, or hearing impairment from the exposure to these noise levels.

In addition, harbor porpoises and harbor seals could also be taken by Level B harassment as a result of the deepwater LNG port project. The numbers of estimated take of these species are not available because they are rare in the project area. The minimum population estimates for the Gulf of Maine/Bay of Fundy stock of harbor porpoise and the western North Atlantic stock of harbor seal are 60,970 and 91,546, respectively (Waring *et al.*, 2007). Since Massachusetts Bay represents only a small fraction of the western North Atlantic basin where these animals occur, and these animals do not regularly congregate in the vicinity of the project area, NMFS believes that only relatively small numbers (less than two percent) of these marine mammal species would be potentially affected by the Neptune LNG deepwater project. From the most conservative estimates of both marine mammal densities in the project area and the size of the 120–dB ZOI, the maximum calculated number of individual marine mammals for each species that could potentially be harassed annually is small relative to the overall population sizes (18 percent for humpback whales and 15 percent for North Atlantic right whales and no more than 2.5 percent of any other species).

Potential Impacts on Habitat

Construction of the Neptune Port and pipeline could affect marine mammal habitat in several ways: seafloor disturbance, increased turbidity, and generation of additional underwater sound in the area. Construction

activities will temporarily disturb 418 acres (1.7 km^2) of seafloor (11 acres, 0.04 km^2, at the Port, 85 acres, 0.3 km^2, along the pipeline route, and an estimated 322 acres, 1.3 km^2, due to anchoring of construction and installation vessels). Pipeline installation, including trenching, plowing, jetting, and backfill, is expected to generate the most disturbance of bottom sediments. Sediment transport modeling conducted by Neptune indicates that initial turbidity from pipeline installation could reach 100 milligrams per liter (mg/L) but will subside to 20 mg/L after 4 hours. Turbidity associated with the flowline and hot-tap will be considerably less and also will settle within hours of the work being completed. Resettled sediments also will constitute to seafloor disturbance. When re-suspended sediments resettle, they reduce growth, reproduction, and survival rates of benthic organisms, and in extreme cases, smother benthic flora and fauna. Plankton will not be affected by resettled sediment. The project area is largely devoid of vegetation and consists of sand, silt, clay, or mixtures of the three.

Recovery of soft-bottom benthic communities impacted by project installation is expected to be similar to the recovery of the soft habitat associated with the construction of the HubLine™ (Algonquin Gas Transmission L.L.C., 2004). Post-construction monitoring of the HubLine™ indicates that areas that were bucket-dredged showed the least disturbance. Displaced organisms will return shortly after construction ceases, and disrupted communities will easily re-colonize from surrounding communities of similar organisms. Similarly, disturbance to hard-bottom pebble/cobble and piled boulder habitat is not expected to be significant. Some organisms could be temporarily displaced from existing shelter, thereby exposing them to increased predation, but the overall structural integrity of these areas will not be reduced (Auster and Langton, 1998).

Short-term impacts on phytoplankton, zooplankton (holoplankton), and planktonic fish and shellfish eggs and larvae (meroplankton) will occur as a result of the project. Turbidity associated with Port and pipeline installation will result in temporary direct impacts on productivity, growth, and development. Phytoplankton and zooplankton abundance will be greatest during the summer construction schedule. Fish eggs and larvae are present in the project area throughout the year. Different species of fish and invertebrate eggs and larvae will be affected by the different construction schedules.

The temporary disturbance of benthic habitat from trenching for and burial of the transmission pipeline will result in direct, minor, adverse impacts from the dispersion of fish from the area and the burying or crushing of shellfish. In the short-term, there will be a temporary, indirect, and beneficial impact from exposing benthic food sources. Seafloor disturbance could also occur as a result of resettling of suspended sediments during installation and construction of the Port and pipeline. Redeposited sediments will potentially reduce viability of demersal fish eggs and growth, reproduction, and survival rates of benthic shellfish. In extreme cases, resettled sediments could smother benthic shellfish, although many will be able to burrow vertically through resettled sediments.

Construction activities will not create long-term habitat changes, and marine mammals displaced by the disturbance to the seafloor are expected to return soon after construction ceases. Marine mammals also could be indirectly affected to the extent benthic prey species are displaced or destroyed by construction activities. Affected species are expected to recover soon after construction ceases and will represent only a small fraction of food available to marine mammals in the area.

Marine Mammal Mitigation, Monitoring, and Reporting

Port Construction Minimization Measures

General

Construction activities will be limited to a May through November time frame so that acoustic disturbance to the endangered North Atlantic right whale can largely be avoided.

Construction activities must be suspended immediately and NMFS contacted if a dead or injured marine mammal is found in the vicinity of the project area, and the death or injury of the animal could be attributable to the LNG facility construction. Activities will not resume until review and approval is given by NMFS.

Visual Monitoring Program

The Neptune Project will employ two MMOs on each lay barge, bury barge, and diving support vessel for visual shipboard surveys during construction activities. Qualifications for these individuals will include direct field experience on a marine mammal/sea turtle observation vessel and/or aerial surveys in the Atlantic Ocean/Gulf of Mexico. The observers (one primary, one secondary) are responsible for visually locating marine mammals at the ocean's surface, and, to the extent possible, identifying the species. The primary observer will act as the identification specialist, and the secondary observer will serve as data recorder and also assist with identification. Both observers will have responsibility for monitoring for the presence of marine mammals. All observers will receive NMFS-approved MMO training and be approved in advance by NMFS after review of their qualifications.

The MMOs will be on duty at all times when any vessel is moving and at selected periods when construction vessels are idle, including when other vessels move around the construction lay barge. The MMOs will monitor the construction area beginning at daybreak using 25x power binoculars and/or hand-held binoculars, resulting in a conservative effective search range of 0.5 mi (0.8 km) during clear weather conditions for the shipboard observers. The MMO will scan the ocean surface by eye for a minimum of 40 minutes every hour. All sightings will be recorded in marine mammal field sighting logs. Observations of marine mammals will be identified to species or the lowest taxonomic level possible and their relative position in relation to the vessel will be recorded. Night vision devices will be standard equipment for monitoring during low-light hours and at night.

During all phases of construction, MMOs will be required to scan for and report all marine mammal sightings to the vessel captain. The captain will then alert the environmental coordinator that a marine mammal is near the construction area. The MMO will have the authority to bring the vessel to idle or to temporarily suspend operations if a baleen whale is seen within 0.6 mi (1 km) of the moving pipelay vessel or construction area. The MMO or environmental coordinator will determine whether there is a potential for harm to an individual animal and will be charged with responsibility for determining when it is safe to resume activity. A vessel will not increase power again until the marine mammal(s) leave(s) the area or has/have not been sighted for 30 minutes. The vessel will then power up slowly.

Construction and support vessels will be required to display lights when operating at night, and deck lights will be required to illuminate work areas. However, use of lights will be limited to areas where work is actually occurring, and all other lights will be extinguished.

Lights will be downshielded to illuminate the deck and will not intentionally illuminate surrounding waters, so as not to attract whales or their prey to the area.

Distance and Noise Level for Cut-Off

(1) During construction, if a marine mammal is detected within 0.5 mi (0.8 km) of a construction vessel, the vessel superintendent or on-deck supervisor will be notified immediately. The vessel's crew will be put on a heightened state of alert. The marine mammal will be monitored constantly to determine if it is moving toward the construction area. The observer is required to report all North Atlantic right whale sightings to NMFS as soon as possible.

(2) Construction vessels will cease any movement in the construction area if a marine mammal other than a right whale is sighted within or approaching to a distance of 100 yd (91 m) from the operating construction vessel. Construction vessels will cease any movement in the construction area if a right whale is sighted within or approaching to a distance of 500 yd (457 m) from the operating construction vessel. Vessels transiting the construction area such as pipe haul barge tugs will also be required to maintain these separation distances

(3) Construction vessels will cease all activities that emit sounds reaching a received level of 120 dB re 1 μPa or higher at 100 yd (91 m) if a marine mammal other than a right whale is sighted within or approaching to this distance, or if a right whale is sighted within or approaching to a distance of 500 yd (457 m), from the operating construction vessel. The back-calculated source level, based on the most conservative cylindrical model of acoustic energy spreading, is estimated to be 139 dB re 1 μPa.

(4) Construction may resume after the marine mammal is positively reconfirmed outside the established zones (either 500 yd (457 m) or 100 yd (91 m), depending upon species).

Vessel Strike Avoidance

(1) While moving, all construction vessels will remain 0.6 mi (1 km) away from right whales and all other whales to the extent possible and 100 yd (91 m) away from all other marine mammals to the extent physically feasible given navigational constraints as required by NMFS.

(2) MMOs will direct a moving vessel to slow to idle if a baleen whale is seen within 0.6 mi (1 km) of the vessel.

(3) All construction vessels 300 gross tons or greater will maintain a speed of 10 knots (18.5 km/hr) or less. Vessels less than 300 gross tons carrying supplies or crew between the shore and the construction site must contact the appropriate authority or the construction site before leaving shore for reports of recent right whale sighting and, consistent with navigation safety, restrict speeds to 10 knots (18.5 km/hr) or less within 5 mi (8 km) of any recent sighting location.

(4) All vessels transiting through the Cape Cod Canal and CCB between January 1 and May 15 will reduce speeds to 10 knots (18.5 km/hr) or less, follow the recommended routes charted by NOAA to reduce interactions between right whales and shipping traffic, and avoid aggregations of right whales in the eastern portion of CCB. To the extent practicable, pipe deliveries will be avoided during the January to May time frame. In the unlikely event the Canal is closed during construction, the pipe haul barges will transit around Cape Cod following the Boston TSS and all measures for the SRVs when transiting to the Port.

(5) Construction and support vessels will transit at 10 knots or less in the following seasons and areas, which correspond to times and areas in NMFS' proposed rule (71 FR 36299, June 26,2006) to implement speed restrictions to reduce the likelihood and severity of ship strikes of right whales:

- Southeast U.S. Seasonal Management Area (SMA) from November 15 through April 15, which is bounded by the shoreline, 31° 27′ N. (i.e., the northern edge of the Mandatory Ship Reporting System (MSRS) boundary) to the north, 29° 45′ N. to the south, and 80° 51.6′ W. (i.e., the eastern edge of the MSRS boundary);
- Mid-Atlantic SMAs from November 1 through April 30, which encompass the waters within a 30 nm (55.6 km) area with an epicenter at the midpoint of the COLREG demarcation line crossing the entry into the following designated ports or bays: (a) Ports of New York/New Jersey; (b) Delaware Bay (Ports of Philadelphia and Wilmington); (c) Entrance to the Chesapeake Bay (Ports of Hampton Roads and Baltimore) (d) Ports of Morehead City and Beaufort, North Carolina; (e) Port of Wilmington, North Carolina; (f) Port of Georgetown, South Carolina; (g) Port of Charleston, South Carolina; and (h) Port of Savannah, Georgia;
- CCB SMA from January 1 through May 15, which includes all waters in CCB, extending to all shorelines of the Bay, with a northern boundary of 42° 12′ N.;
- Off Race Point SMA year round, which is bounded by straight lines connecting the following coordinates in the order stated:

  42° 30′ N. 70° 30′ W.
  42° 30′ N. 69° 45′ W.
  41° 40′ N. 69° 45′ W.
  41° 40′ N. 69° 57′ W.
  42° 04.8′ N. 70° 10′ W.
  42° 12′ N. 70° 15′ W.
  42° 12′ N. 70° 30′ W.
  42° 30′ N. 70° 30′ W.; and
- Great South Channel SMA from April 1 through July 31, which is bounded by straight lines connecting the following coordinates in the order stated:

  42° 30′ N. 69° 45′ W.
  42° 30′ N. 67° 27′ W.
  42° 09′ N. 67° 08.4′ W.
  41° 00′ N. 69° 05′ W.
  41° 40′ N. 69° 45′ W.
  42° 30′ N. 69° 45′ W.

PAM Program

In addition to visual monitoring, Neptune will utilize a PAM system to aid in the monitoring and detection of vocalizing marine mammals in the project area. Neptune has engaged personnel from NMFS and the SBNMS regarding available passive acoustic technology that could be used to enhance the PAM program.

The PAM system will be capable of detecting, localizing (range and bearing), and classifying marine mammals in near real-time. When combined with an action and communication plan, Neptune will have the capability to make timely decisions and undertake steps to minimize the potential for collisions between marine mammals and construction vessels. The PAM system for the Neptune project involves the installation of an array of auto-detection monitoring buoys moored at regular intervals in a circle surrounding the site of the terminal and associated pipeline construction. Buoys will be arranged to maximize auto detection and provide localization capability. With the existing technology, this would require six buoys moored every 5 nm (9.3 km) to provide some overlap in coverage. The buoys are designed to monitor the sound output from construction activities to ensure predicted levels are not exceeded and to detect the presence of vocally active marine mammals. Passive acoustic devices will be actively monitored for detections by a NMFS-approved bioacoustic technician.

Other Measures

Mesh grates will be used during flooding and hydrostatic testing of the pipeline and flowlines to minimize impingement and entrainment of marine mammals. Operations involving

excessively noisy equipment will ''ramp-up'' sound sources, as long as this does not jeopardize the safety of vessels or construction workers, allowing whales a chance to leave the area before sounds reach maximum levels. Contractors will be required to utilize vessel-quieting technologies that minimize sound. Contractors will be required to maintain individual Spill Prevention, Control, and Containment Plans in place for construction vessels during construction.

An environmental coordinator with experience coordinating projects to monitor and minimize impacts to marine mammals will be onsite to coordinate all issues concerning marine protected species, following all of the latest real-time marine mammal movements. The coordinator will work to ensure that environmental standards are adhered to and adverse interactions between project equipment and marine mammals do not occur.

Reporting

During construction, weekly status reports will be provided to NMFS utilizing standardized reporting forms. In addition, the Neptune Port Project area is within the Mandatory Ship Reporting Area (MSRA), so all construction and support vessels will report their activities to the mandatory reporting section of the USCG to remain apprised of North Atlantic right whale movements within the area. All vessels entering and exiting the MSRA will report their activities to WHALESNORTH. During all phases of project construction, sightings of any injured or dead marine mammals will be reported immediately to the USCG and NMFS, regardless of whether the injury or death is caused by project activities. Any right whale sightings will be reported to the NMFS Sighting Advisory System.

Sightings of injured or dead marine mammals not associated with project activities can be reported to the USCG on VHF Channel 16 or to NMFS Stranding and Entanglement Hotline. In addition, if the injury or death was caused by a project vessel (e.g., SRV, support vessel, or construction vessel), USCG must be notified immediately, and a full report must be provided to NMFS, Northeast Regional Office. The report must include the following information: (1) the time, date, and location (latitude/longitude) of the incident; (2) the name and type of vessel involved; (3) the vessel's speed during the incident; (4) a description of the incident; (5) water depth; (6) environmental conditions (e.g., wind speed and direction, sea state, cloud cover, and visibility); (7) the species identification or description of the animal; and (8) the fate of the animal.

An annual report on marine mammal monitoring and mitigation will be submitted to NMFS Office of Protected Resources and NMFS Northeast Regional Office within 90 days after the expiration of the IHA. The weekly reports and the annual report must include data collected for each distinct marine mammal species observed in the project area in Massachusetts Bay during the period of Port construction. Description of marine mammal behavior, overall numbers of individuals observed, frequency of observation, and any behavioral changes and the context of the changes relative to construction activities shall also be included in the annual report. Additional information that will be recorded during construction and contained in the reports include: date and time of marine mammal detections (visually or acoustically), weather conditions, species identification, approximate distance from the source, activity of the vessel or at the construction site when a marine mammal is sighted, and whether or not thrusters were in use and how many at the time of the sighting.

ESA

On January 12, 2007, NMFS concluded consultation with MARAD and the USCG under section 7 of the ESA on the proposed construction and operation of the Neptune LNG facility. The finding of that consultation was that the construction and operation of the Neptune LNG terminal adversely affect, but is not likely to jeopardize, the continued existence of northern right, humpback, and fin whales, and is not likely to adversely affect sperm, sei, or blue whales and Kemp's ridley, loggerhead, green, or leatherback sea turtles. Because the issuance of an IHA to Neptune under section 101(a)(5)(D) of the MMPA is a Federal action, NMFS also conducted a section 7 consultation, and it was determined that issuance of the IHA will not have effects on listed species beyond what was previously analyzed.

National Environmental Policy Act

MARAD and the USCG released a Final EIS for the proposed Neptune LNG Deepwater Port. A notice of availability was published by MARAD on November 2, 2006 (71 FR 64606). The Final EIS provides detailed information on the proposed project facilities, construction methods, and analysis of potential impacts on marine mammals. The Final EIS is incorporated as part of the MMPA record of decision (ROD) for this action.

NMFS was a cooperating agency in the preparation of the Draft and Final EISs based on a Memorandum of Understanding related to the Licensing of Deepwater Ports entered into by the U.S. Department of Commerce along with 10 other government agencies. NMFS has adopted the USCG and MARAD FEIS and issued a separate ROD for issuance of the IHA.

Determinations

NMFS has determined that the impact of construction of the Neptune Port Project may result, at worst, in a temporary modification in behavior of ™all numbers of certain species of marine mammals that may be in close proximity to the Neptune LNG facility and associated pipeline during its construction. These activities are expected to result in some local short-term displacement, resulting in no more than a negligible impact on the affected species or stocks of marine mammals. The provision requiring that the activity not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence use does not apply for this action.

These determinations are supported by measures described earlier in this document under ''Marine Mammal Mitigation, Monitoring, and Reporting'' and MARAD's ROD (and NMFS' Biological Opinion on this action). As a result of the described mitigation measures, no take by injury or death is requested, anticipated, or authorized, and the potential for temporary or permanent hearing impairment is very unlikely due to the relatively low noise levels (and consequently ™all ZOI). The likelihood of such effects will be avoided through the incorporation of the shut-down mitigation measures mentioned in this document. While the number of marine mammals that may be harassed will depend on the distribution and abundance of marine mammals in the vicinity of the Port construction, the estimated number of marine mammals to be harassed is small relative to overall population sizes.

Authorization

As a result of these determinations, NMFS has issued an IHA to Neptune for the taking (by Level B harassment only) during construction of the Neptune Port provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: June 6, 2008.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–13264 Filed 6–11–08; 8:45 am]

BILLING CODE 3510–22–S

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 June 2008, at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *http://www.cfa.gov*. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address, or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington DC, 22 May 2008.

Thomas Luebke,

Secretary.

[FR Doc. E8–13062 Filed 6–11–08; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0065]

Federal Acquisition Regulation; Information Collection; Overtime

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning overtime. The clearance currently expires on August 31, 2008.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 11, 2008.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ernest Woodson, Contract Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal solicitations normally do not specify delivery schedules that will require overtime at the Government's expense. However, when overtime is required under a contract and it exceeds the dollar ceiling established during negotiations, the contractor must request approval from the contracting officer for overtime. With the request, the contractor must provide information regarding the need for overtime.

B. Annual Reporting Burden

Respondents: 1,270.

Responses Per Respondent: 1.

Total Responses: 1,270.

Hours Per Response: .25.

Total Burden Hours: 318.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VPR), Room 4041, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0065, Overtime, in all correspondence.

Dated: May 30, 2008.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E8–13153 Filed 6–11–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Uniform Formulary Beneficiary Advisory Panel

AGENCY: Department of Defense, Assistant Secretary of Defense (Health Affairs).

ACTION: Notice of Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended), the Department of Defense (DoD) announces a meeting of the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel).

DATES: July 24, 2008 (8 a.m. to 4 p.m.)

ADDRESSES: Naval Heritage Center Theater, 701 Pennsylvania Avenue NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Lt Col Thomas Bacon, Designated Federal Officer, Uniform Formulary Beneficiary Advisory Panel, Skyline 5, Suite 810, 5111 Leesburg Pike, Falls Church, Virginia 22041–3206; Telephone: (703) 681–2890; Fax: (703) 681–1940; E-mail Address: *baprequests@tma.osd.mil*.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: The Panel will review and comment on recommendations made to the Director, TRICARE Management Activity, by the Pharmacy and Therapeutics Committee regarding the Uniform Formulary.

Meeting Agenda: Sign-In; Welcome and Opening Remarks; Public Citizen Comments; Scheduled Therapeutic Class Reviews—Triptans, Osteoporosis Agents, and Newly approved drugs under review; Panel Discussions and Vote, and comments following each therapeutic class review.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people that sign in. All persons must sign in legibly.

Prior to the public meeting, the Panel will conduct an Administrative Work Meeting from 7 a.m. to 7:50 a.m. to discuss administrative matters of the Panel. The Administrative Work

Meeting will be held at the Naval Heritage Center Conference Room, 701, Pennsylvania Avenue, NW., Washington DC 20004. Pursuant to 41 CFR 102–3.160, the Administrative Work Meeting will be closed to the public.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the Panel at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Panel's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the General Services Administration's Federal Advisory Committee Act Database—*https://www.fido.gov/facadatabase/public.asp*.

Written statements that do not pertain to the scheduled meeting of the Panel may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Public Comments: In addition to written statements, the Panel will set aside one (1) hour for individual or interested groups to address the Panel. To ensure consideration of their comments, individuals and interested groups should submit written statements as outlined in this notice; but if they still want to address the Panel, then they will be afforded the opportunity to register to address the Panel. The Panel's Designated Federal Officer will have a ''Sign Up Roster'' available at the Panel meeting, for registration on a first-come, first-serve basis. Those wishing to address the Panel will be given no more than five (5) minutes to present their comments, and at the end of the one (1) hour time period no further public comments will be accepted. Anyone who signs up to address the Panel but is unable to do so due to the time limitation, may submit their comments in writing; however, they must understand that their written comments may not be reviewed prior to the Panel's deliberation. Accordingly, the Panel recommends that individuals and interested groups consider submitting written statements instead of addressing the Panel.

Dated: May 5, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–13230 Filed 6–11–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2008–OS–0070]

Privacy Act of 1974; System of Records

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Information Systems Agency proposes to add a system of records notice to its existing inventory of records 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 July 14, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Defense Information Systems Agency, Code S1 32, P.O. Box 4502, Arlington, VA 22204–4502.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanette M. Weathers-Jenkins at (703) 681–2103.

SUPPLEMENTARY INFORMATION: The Defense Information Systems Agency 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 proposed system reports, as required by 5 U.S.C. 552a (r), of the Privacy Act of 1974, as amended, were submitted on June 2, 2008, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 5, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

K890.11

SYSTEM NAME:

Manage to Pay (M2P) Files.

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), ATTN: CFE7, P.O. Box 4502, Arlington, VA 22204–4502.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), Grade, Pay cost, Location code (Org), Program element code (PE), Object class code (EEIC), Gross reconciliation code (GRC), Hours, Document number, and Emergency or Special Pay Code (ESP).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 113, Secretary of Defense; DoD Directive 5105.19, Defense Information Systems Agency (DISA); and E.O. 9397 (SSN).

PURPOSE(S):

To assist DISA officials and employees in the management, supervision, and administration of the decentralized payroll system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The ''Blanket Routine Uses'' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media.

RETRIEVEABILITY:

Individual's name and/or organization and program element code.

SAFEGUARDS:

Guards secure buildings during non-duty hours. Management personnel, who are responsible for maintaining the confidentiality of the records, control

access to the records. Use of the information is restricted to those who require the records in the performance of their official duties and with a need-to-know. Access to personnel information is further restricted by the use Common Access Card (CAC) authorization.

RETENTION AND DISPOSAL:

Records are continuously updated. Obsolete computer records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

System manager, CFE7, Defense Information Systems Agency, P.O. Box 4520, Arlington, VA 22204–4502.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to System Manager, CFE7, Defense Information Systems Agency, P.O. Box 4520, Arlington, VA 22204–4502.

The individual should refer to the office where he/she is/was assigned or affiliated. Include address and telephone number applicable to the period during which the record was maintained. Social Security Number (SSN) will be used for positive identification.

RECORDS ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to System Manager, CFE7, Defense Information Systems Agency, P.O. Box 4520, Arlington, VA 22204–4502.

The individual should refer to the office where he/she is/was assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social Security Number (SSN) will be used for positive identification.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2 at 32 CFR part 316 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee, DISA Accounting system, DISA payroll database records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–13228 Filed 6–11–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[USAF–2008–0011]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Department of the Air Force is proposing to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on July 14, 2008, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCISI, 1800 Air Force Pentagon, Suite 220, Washington, DC 20330–1800.

FOR FURTHER INFORMATION CONTACT: Ms. Novella Hill at (703) 696–6518.

SUPPLEMENTARY INFORMATION: The Department of the Air Force 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 proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, will be submitted on June 4, 2008, to the House Committee on Government Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 5, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

F024 AF USTRANSCOM B DoD

SYSTEM NAME:

DOD Transportation Repository Records.

SYSTEM LOCATION:

Defense Enterprise Computing Center, 5450 Carlisle Pike, Mechanicsburg PA 17055–0975.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, dependents, medical patients/evacuees, and DOD civilians. Individuals traveling in the Defense Transportation System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, personal identifier (i.e. Social Security Number (SSN)), rank, unit identification code (UIC), Service affiliation and blood type. Blood type is used for compiling aggregate numbers of passengers with a specific blood type to facilitate adequate supplies of blood in the event of an emergency (e.g., a passenger plane crashes).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; DoD Regulation 4500.9E, Transportation and Traffic Management; and E.O. 9397 (SSN).

PURPOSES:

To track DOD cargo and personnel moving within the Defense Transportation System (DTS) both in time of peace and war. DTS is DOD transportation infrastructure which supports Department of Defense common-user transportation needs across the range of military operations.

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:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department of Defense 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Individual's name, SSN, and blood type.

SAFEGUARDS:

Access is restricted by password. Data located in restricted access-controlled facilities. Common Access Card (CAC) log-on/authentication will be implemented into IGC from the program

standup. Log-in accounts will be validated on a regular basis to insure minimal risk of compromised accounts.

RETENTION AND DISPOSAL:

Retention of records in an active status is for five years. After five years, data is archived to magnetic tape and then stored an additional year; the tapes are then destroyed by burning.

SYSTEM MANAGER AND ADDRESS:

Data Owner and Policy Official: United States Transportation Command (USTRANSCOM), ATTN: TCJ5/4–PT, 508 Scott Drive, Scott AFB, IL 62225–5357.

DATA PROCESSOR:

Defense Logistics Agency (Integrated Data Environment/Global Transportation Network Convergence (IGC)) Program Manager, J–626, 8725 John J. Kingman Road, Fort Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCISI, 1800 Air Force Pentagon, Suite 220, Washington, DC 20330–1800.

Individuals should provide full name and Social Security Number (SSN).

RECORD ACCESS PROCEDURE:

An individual seeking to determine whether information about themselves is contained in this system should address written inquiries Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCISI, 1800 Air Force Pentagon, Suite 220, Washington, DC 20330–1800.

Individuals should provide full name and Social Security Number (SSN).

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents or appealing initial agency determinations are published in Air Force Instruction 33–332; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Automated feeder systems of service members' affiliation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–13227 Filed 6–11–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for Use of Pinecastle Training Range, Florida

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and the regulations implemented by the Council on Environmental Quality (40 CFR Parts 1500–1508), the Department of the Navy (DON) announces its intent to prepare a SEIS on the use of Pinecastle Training Range in Florida. The SEIS supplements the FEIS for ''Renewal of Authorization to Use Pinecastle Range, Ocala National Forest, Florida'' dated January 2002. The Record of Decision for the FEIS for ''Renewal of Authorization to Use Pinecastle Range, Ocala National Forest, Florida'' was dated March 29, 2002 and published in the **Federal Register** on April 10, 2002 (67 FR 17418).

Pursuant to 40 CFR 1502.9, a SEIS is being prepared for the limited purpose of supplementing the 2002 FEIS to analyze new information regarding Range Compatibility Zones (RCZs) and to assess the effectiveness of existing mitigation measures to determine if any additional mitigation measures or a modification to the governing range Operating Plan are warranted.

After completion of the 2002 FEIS, a new safety modeling program was adopted by the Navy. This new modeling program, SAFERANGE, when applied to current training operations, indicates that the Range Compatibility Zones, formerly referred to as Range Safety Zones, are larger than previously modeled.

Impacts associated with this significant new information are the focus of the SEIS. The new RCZs could affect the following counties in Florida: Marion, Lake, Volusia, and Putnam.

The SEIS will analyze the environmental effects resulting from the revised RCZs and the effectiveness of existing mitigation measures to determine if additional actions or modifications to the range Operating Plan are necessary to maintain public safety and ensure range sustainability. The SEIS will also evaluate past, present and reasonably foreseeable future land use proposals and forestry actions from a cumulative impacts perspective.

The SEIS will not propose any changes to the Fleet's Training and Readiness Program. The targets, ordnance, method of delivery (air-to-ground), and volume of munitions utilized at Pinecastle for military training are not changing, and, therefore, will not be re-analyzed in the SEIS.

The Navy is also initiating a public scoping period for the SEIS with this announcement. Public input is requested to ensure the scope of the SEIS analysis incorporates public concerns and affords the public an input in the decision-making process.

Dates and Addresses: The Navy must receive scoping comments within 30 days of June 12, 2008. Comments may be submitted by mail or electronically through the project Web site at *www.pinecastleseis.com.* Mail scoping comments to: Naval Facilities Engineering Command Southeast, Attention: Mr. Richard Davis (Code EV21), 2155 Eagle Drive, North Charleston, SC 29406.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Davis, Naval Facilities Engineering Command Southeast (Code EV21), 2155 Eagle Drive, North Charleston, SC, 29406 or telephone: 843–820–5589, facsimile: 843–820–7465.

SUPPLEMENTARY INFORMATION: The Navy is initiating the scoping process to identify community concerns and local issues to be addressed in the SEIS. Federal agencies, state agencies, local agencies, and interested persons are encouraged to provide comments to the Navy to identify specific issues or topics of environmental concern that should be addressed in the SEIS. Written comments must be postmarked within thirty days from the publication of this notice in the **Federal Register**. Notices announcing the intent to prepare a SEIS will also appear in local newspapers.

Dated: June 4, 2008.

T.M. Cruz,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8–13284 Filed 6–11–08; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 11, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 6, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Consolidated State Performance Report (Part I and Part II).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 53.

Burden Hours: 29,707.

Abstract: The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each State, Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 9303 of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB).

Additional Information:

Focused Question for Public Comment: ED*Facts* Data Linkages for Prepopulation of CSPR.

The SY 2006–07 CSPR contained questions that were ''Initially Pre-populated from ED*Facts*.'' The ''*Initial Prepopulation*'' strategy allowed CSPR coordinators the flexibility to use either the data submitted through ED*Facts* or an alternative data source to respond to questions on the CSPR. An unintended consequence of this strategy was that states could provide the Department two different answers to the same question, one answer provided through ED*Facts* and a different response submitted by the state's CSPR coordinator.

It is ED's intention and desire to move as many of those questions, which were ''Initially prepopulated'' in 2006–07 to full utilization of ED*Facts* Submissions for 2007–08. As a result, CSPR coordinators will only be able to amend responses to their state's CSPR by working with their ED*Facts* coordinator to resubmit a file through ED*Facts*. The Department plans to move cautiously towards this new strategy by carefully reviewing each state's Ed*Facts* transition agreement to ensure that all states will continue to have the capacity to submit their CSPR to the Department in a timely manner and with complete and accurate information.

Since the Transition Agreements covering data on the 2007–08 school year have not been finalized, the Department has not had the opportunity to determine which questions on the 2007–08 CSPR will be exclusively pre-populated by data submitted through ED*Facts*.

In order to not delay the publication of the SY 2007–08 CSPR for public comment, we have set questions, which were initially prepopulated in 2006–07 back to ''Manual Entry'' for this 2007–08 CSPR package.

The Department is soliciting public comment from the states on the viability of moving any or all of the following questions, which were initially pre-populated in 2006–07 to exclusive pre-population for 2007–08 or 2008–09.

Questions on the 2007–08 CSPR which were ''Initially Prepopulated from ED*Facts*'' in 2006–07 are listed below:

Question No.	Descriptor
1.3.1	Student Achievement in Mathematics.
1.3.2	Student Achievement in Reading Language Arts.
1.4.3	Accountability of Districts That Received Title I Funds.
1.4.9.1.2	Public School Choice—Students.
1.4.9.1.3	Funds Spent on Public School Choice.
1.4.9.2.2	Supplemental Educational Services—Students.
1.4.9.2.3	Funds Spent on Supplemental Educational Services.
1.6.5.1	Immigrant Students.
1.8.1	Graduation Rates.
1.9.2.1	Homeless Children and Youths Served by McKinney-Vento Subgrants.
1.9.2.2	Subpopulations of Homeless Students Served.
1.9.2.5.1	Reading Assessment.
1.9.2.5.2	Mathematics Assessment.
1.10.1	Category 1 Child Count.
1.10.2	Category 2 Child Count.
2.3.1.1	Eligible Migrant Children.
2.3.1.2	Priority for Services.
2.3.1.3	Limited English Proficient.
2.3.1.4	Children with Disabilities (IDEA).
2.3.2.1	Dropouts.
2.3.2.3.1	Reading/Language Arts Participation.
2.3.3.1.1	MEP Students Served During the Regular School Year.

Question No.	Descriptor
2.3.3.1.2	Priority for Services—During the Regular School Year.
2.3.3.3	MEP Participation—Program Year.
2.3.4.1	Schools and Enrollment.
2.3.4.2	Schools Where MEP Funds Were Consolidated in Schoolwide Programs.
2.3.6.1.2	MEP Staff.
2.4.1.2	Students Served—Subpart 1.
2.4.1.6.1	Academic Performance in Reading—Subpart 1.
2.4.1.6.2	Academic Performance in Mathematics—Subpart 1.
2.4.2.6.1	Academic Performance in Reading—Subpart 2.
2.4.2.6.2	Academic Performance in Mathematics—Subpart 2.
2.7.2.1	State Definitions.
2.7.2.2.1	Out-of-School Suspensions for Violent Incident Without Physical Injury.
2.7.2.2.2	Out-of-School Expulsions for Violent Incident Without Physical Injury.
2.7.2.3.1	Out-of-School Suspensions for Violent Incident with Physical Injury.
2.7.2.3.2	Out-of-School Expulsions for Violent Incident with Physical Injury.
2.7.2.4.1	Out-of-School Suspensions for Weapons Possession.
2.7.2.4.2	Out-of-School Expulsions for Weapons Possession.
2.7.2.5.1	Out-of-School Suspensions for Alcohol-Related Incidents.
2.7.2.5.2	Out-of-School Expulsions for Alcohol-Related Incidents.
2.7.2.6.1	Out-of-School Suspensions for Illicit Drug-Related Incidents.
2.7.2.6.2	Out-of-School Expulsions for Illicit Drug-Related Incidents.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3718. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E8–13195 Filed 6–11–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests; Comment Request

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On June 5, 2008, the Department of Education published a comment period notice in the **Federal Register** (Page 32004, Column 1) for the information collection, ''National Assessment of Educational Progress 2008–2010 Operational and Pilot Surveys System Clearance—2009 Wave 1.''

The title is hereby corrected to ''National Assessment of Educational Progress 2008–2010 Operational and Pilot Surveys System Clearance—2009 Wave 2.''

The IC Clearance Official, Regulatory Information Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: June 6, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

[FR Doc. E8–13196 Filed 6–11–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs)—Classification and Measurement of Medical Rehabilitation Interventions; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008 Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–5.

Dates: *Applications Available:* June 12, 2008.

Deadline for Transmittal of Applications: August 1, 2008.

Date of Pre-Application Meeting: June 27, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the DRRP program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: Research, training, demonstration, development, dissemination, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b).

Additional information on the DRRP program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP.*

Priorities: NIDRR has established two priorities for this competition. The *General DRRP Requirements* priority is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472). The *Classification and Measurement of Medical Rehabilitation Interventions* priority is from the notice of final priorities for the Disability and Rehabilitation Research

Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132).

Note: On February 1, 2008, we also published a notice in the **Federal Register** (73 FR 6162) inviting applications for a number of competitions, including one using the *Classification and Measurement of Medical Rehabilitation Interventions* priority. None of the applications we received for the *Classification and Measurement of Medical Rehabilitation Interventions* competition announced in this notice was successful. Accordingly, through this notice, we are inviting applications for another competition using the *Classification and Measurement of Medical Rehabilitation Interventions* priority.

Absolute Priorities: For FY 2008, these priorities are absolute priorities. Under 34 CFR 75.105I(3) we consider only applications that meet these priorities.

These priorities are:

General Disability and Rehabilitation Research Projects (DRRP) Requirements and *Classification and Measurement of Medical Rehabilitation Interventions.*

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350. (c) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472). (d) The notice of final priority and definitions for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132, 6140).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $350,000.

Estimated Range of Awards: $325,000–$350,000.

Maximum Award: We will reject any application that proposes a budget exceeding $350,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The maximum amount includes direct and indirect costs.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62(a)(3)(i), will be negotiated at the time of the grant award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html*. To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133A–5.

Individuals with disabilities can obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Alternative Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A ''page'' is 8.5'' x 11'', on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. Single spacing may be used for titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section (Part III).

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and narrative justification; other required forms; an abstract, Human Subjects narrative, Part III narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:*

Applications Available: June 12, 2008.

Deadline for Transmittal of Applications: August 1, 2008.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on June 27, 2008. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or for an individual consultation, contact Donna Nangle, U.S. Department of Education, Potomac Center Plaza (PCP), room 6029, 550 12th Street, SW., Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *Donna.Nangle@ed.gov*.

Applications for grants under this program may be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The Disability Rehabilitation Research Projects competition, CFDA number 84.133A–5, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Disability Rehabilitation Research Projects competition—CFDA number 84.133A–5 at *http://www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.*, search for 84.133, not 84.133A–5).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with

the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address: *By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA number 84.133A–5) 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA number 84.133A–5) 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA number 84.133A–5) 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in determining the merits of an application are as follows—

The Secretary is interested in outcomes-oriented research or development projects that use rigorous scientific methodologies. To address this interest, applicants are encouraged to articulate goals, objectives, and expected outcomes for the proposed research or development activities. Proposals should describe how results and planned outputs are expected to contribute to advances in knowledge, improvements in policy and practice, and public benefits for individuals with disabilities. Applicants should propose projects that are designed to be consistent with these goals. We encourage applicants to include in their application a description of how results will measure progress towards achievement of anticipated outcomes (including a discussion of measures of effectiveness), the mechanisms that will be used to evaluate outcomes associated with specific problems or issues, and how the proposed activities will support new intervention approaches and strategies. Submission of the information identified in this section V. 2. *Review and Selection Process* is voluntary, except where required by the selection criteria listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

Note: NIDRR will provide information by letter to grantees on how and when to submit the final performance report.

4. *Performance Measures:* NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The percentage of newly-awarded NIDRR projects that are multi-site, collaborative, controlled studies of interventions and programs.
- The number of accomplishments (*e.g.*, new or improved tools, methods, discoveries, standards, interventions, programs, or devices) developed or tested with NIDRR funding that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new grants that include studies funded by NIDRR that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their annual performance reports (APRs) in support of these performance measures.

Updates on the Government Performance and Results Act of 1993 (GPRA) indicators, revisions, and methods appear on the NIDRR Program Review Web site: *http://www.neweditions.net/pr/commonfiles/pmconcepts.htm*.

Grantees should consult this site on a regular basis to obtain details and explanations on how NIDRR programs contribute to the advancement of the Department's long-term and annual performance goals.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6029, PCP, Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *Donna.Nangle@ed.gov*.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: June 9, 2008.

Tracy R. Justesen,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E8–13258 Filed 6–11–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs)—Technology Access in Resource-Limited Environments; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008; Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–9

Dates: Applications Available: June 12, 2008. Deadline for Transmittal of Applications: August 1, 2008. Date of Pre-Application Meeting: June 27, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the DRRP program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: Research, training, demonstration, development, dissemination, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b).

Additional information on the DRRP program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP*.

Priorities: NIDRR has established two priorities for this competition. The *General DRRP Requirements* priority is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472). The *Technology Access in Resource-Limited Environments* priority is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132).

Note: On February 1, 2008, we also published a notice in the **Federal Register** (73 FR 6162) inviting applications for a number of competitions, including one using the *Technology Access in Resource-Limited Environments* priority. None of the applications we received for the *Technology Access in Resource-Limited Environments* competition announced in that notice were successful. Accordingly, through this notice, we are inviting applications for another competition using the *Technology Access in Resource-Limited Environments* priority.

Absolute Priorities: For FY 2008, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet these priorities.

These priorities are:

General Disability and Rehabilitation Research Projects (DRRP) Requirements and *Technology Access in Resource-Limited Environments.*

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350. (c) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472). (d) The notice of final priority and definitions for the

Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132, 6141).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: $950,000.
Estimated Range of Awards: $948,999–$950,000.
Maximum Award: We will reject any application that proposes a budget exceeding $950,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The maximum amount includes direct and indirect costs.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.
2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62(a)(3)(i) and will be negotiated at the time of the grant award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133A–9.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Alternative Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 125 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. Single spacing may be used for titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section (Part III).

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and narrative justification; other required forms; an abstract, Human Subjects narrative, Part III narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:* Applications Available: June 12, 2008. Deadline for Transmittal of Applications: August 1, 2008. Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on June 27, 2008. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or for an individual consultation, contact Donna Nangle, U.S. Department of Education, Potomac Center Plaza (PCP), room 6029, 550 12th Street, SW., Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *Donna.Nangle@ed.gov.*

Applications for grants under this program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The Disability Rehabilitation Research Projects competition, CFDA number 84.133A–9, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use

the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Disability Rehabilitation Research Projects competition—CFDA number 84.133A–9 at *http://www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133A–9).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include: (1) Registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier),

you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA number 84.133A–9), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA number 84.133A–9), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA number 84.133A–9), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in determining the merits of an application are as follows—

The Secretary is interested in outcomes-oriented research or development projects that use rigorous scientific methodologies. To address this interest, applicants are encouraged to articulate goals, objectives, and expected outcomes for the proposed research or development activities. Proposals should describe how results and planned outputs are expected to contribute to advances in knowledge, improvements in policy and practice, and public benefits for individuals with disabilities. Applicants should propose projects that are designed to be consistent with these goals. We encourage applicants to include in their application a description of how results will measure progress towards achievement of anticipated outcomes (including a discussion of measures of effectiveness), the mechanisms that will be used to evaluate outcomes associated with specific problems or issues, and how the proposed activities will support new intervention approaches and strategies. Submission of the information identified in this section V.2. *Review and Selection Process* is voluntary, except where required by the selection criteria listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

Note: NIDRR will provide information by letter to grantees on how and when to submit the final performance report.

4. *Performance Measures:* NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The percentage of newly-awarded NIDRR projects that are multi-site, collaborative, controlled studies of interventions and programs.
- The number of accomplishments (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices) developed or tested with NIDRR funding that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new grants that includes studies funded by NIDRR that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their annual performance reports in support of these performance measures.

Updates on the Government Performance and Results Act of 1993 (GPRA) indicators, revisions, and methods appear on the NIDRR Program Review Web site: *http://www.neweditions.net/pr/commonfiles/pmconcepts.htm.*

Grantees should consult this site on a regular basis to obtain details and

explanations on how NIDRR programs contribute to the advancement of the Department's long-term and annual performance goals.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6029, PCP, Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *Donna.Nangle@ed.gov.*

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: June 9, 2008.

Tracy R. Justesen,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E8–13259 Filed 6–11–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs)—Health Care Coordination for Individuals With Disabilities; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008; Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–1

Dates: Applications Available: June 12, 2008.

Deadline for Transmittal of Applications: August 1, 2008.

Date of Pre-Application Meeting: June 27, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the DRRP program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: Research, training, demonstration, development, dissemination, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b).

Additional information on the DRRP program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP. Priorities:* NIDRR has established two priorities for this competition. The *General DRRP Requirements* priority is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472). The *Health Care Coordination for Individuals with Disabilities* priority is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132).

Note: On February 1, 2008, we also published a notice in the **Federal Register** (73 FR 6162) inviting applications for a number of competitions, including one using the *Health Care Coordination for Individuals with Disabilities* priority. None of the applications we received for the *Health Care Coordination for Individuals with Disabilities* competition announced in that notice were successful. Accordingly, through this notice, we are inviting applications for another competition using the *Health Care Coordination for Individuals with Disabilities* priority.

Absolute Priorities: For FY 2008, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet these priorities.

These priorities are:

General Disability and Rehabilitation Research Projects (DRRP) Requirements and *Health Care Coordination for Individuals with Disabilities.*

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350. (c) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472). (d) The notice of final priority and definitions for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132, 6139).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $300,000.

Estimated Range of Awards: $289,999–$300,000.

Maximum Award: We will reject any application that proposes a budget exceeding $300,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The maximum amount includes direct and indirect costs.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62(a)(3)(i) and will be negotiated at the time of the grant award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html*. To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133A–1.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Alternative Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. Single spacing may be used for titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section (Part III).

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and narrative justification; other required forms; an abstract, Human Subjects narrative, Part III narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:*

Applications Available: June 12, 2008.

Deadline for Transmittal of Applications: August 1, 2008.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on June 27, 2008. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1 p.m. and 3 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or for an individual consultation, contact Donna Nangle, U.S. Department of Education, Potomac Center Plaza (PCP), room 6029, 550 12th Street, SW., Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *Donna.Nangle@ed.gov*.

Applications for grants under this program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The Disability Rehabilitation Research Projects competition, CFDA number 84.133A–1, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Disability Rehabilitation Research Projects competition—CFDA number 84.133A–1 at *http://www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133A–1).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and

submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.

• To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include: (1) Registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (*see http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

• If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date. *Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA number 84.133A–1), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA number 84.133A–1), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA number 84.133A–1), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in determining the merits of an application are as follows—

The Secretary is interested in outcomes-oriented research or development projects that use rigorous scientific methodologies. To address this interest, applicants are encouraged to articulate goals, objectives, and expected outcomes for the proposed research or development activities. Proposals should describe how results and planned outputs are expected to contribute to advances in knowledge, improvements in policy and practice, and public benefits for individuals with disabilities. Applicants should propose projects that are designed to be consistent with these goals. We encourage applicants to include in their application a description of how results will measure progress towards achievement of anticipated outcomes (including a discussion of measures of effectiveness), the mechanisms that will be used to evaluate outcomes associated with specific problems or issues, and how the proposed activities will support new intervention approaches and strategies. Submission of the information identified in this section V. 2. *Review and Selection Process* is voluntary, except where required by the selection criteria listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

Note: NIDRR will provide information by letter to grantees on how and when to submit the final performance report.

4. *Performance Measures:* NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The percentage of newly awarded NIDRR projects that are multi-site, collaborative, controlled studies of interventions and programs.
- The number of accomplishments (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices) developed or tested with NIDRR funding that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new grants that includes studies funded by NIDRR that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their annual performance reports in support of these performance measures.

Updates on the Government Performance and Results Act of 1993 (GPRA) indicators, revisions, and methods appear on the NIDRR Program Review Web site: *http://www.neweditions.net/pr/commonfiles/pmconcepts.htm.*

Grantees should consult this site on a regular basis to obtain details and explanations on how NIDRR programs contribute to the advancement of the Department's long-term and annual performance goals.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6029, PCP, Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *Donna.Nangle@ed.gov.*

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: June 9, 2008.

Tracy R. Justesen,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E8–13260 Filed 6–11–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

June 6, 2008.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP99–301–209.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits an amendment to Rate Schedule FTS–1 negotiated rate agreement with Merrill Lynch Commodities, Inc. (Contract No. 113450), to be effective 6/4/08.
Filed Date: 06/04/2008.
Accession Number: 20080606–0010.
Comment Date: 5 p.m. Eastern Time on Monday, June 16, 2008.

Docket Numbers: RP08–398–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: East Tennessee Natural Gas, LLC submits Fourth Revised Sheet 105 et al. to FERC Gas Tariff, Third Revised Volume 1, effective 7/5/08.
Filed Date: 06/04/2008.
Accession Number: 20080606–0009.
Comment Date: 5 p.m. Eastern Time on Monday, June 16, 2008.

Docket Numbers: RP08–399–000.
Applicants: Texas Eastern Transmission LP.
Description: Texas Eastern Transmission, LP submits Seventh Revised Sheet 211 et al. to FERC Gas Tariff Seventh Revised Volume 1, to be effective 7/5/08.
Filed Date: 06/04/2008.
Accession Number: 20080606–0008.
Comment Date: 5 p.m. Eastern Time on Monday, June 16, 2008.

Docket Numbers: RP08–400–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: Maritimes & Northeast Pipeline, LLC submits Second Revised Sheet 152 et al. to FERC Gas Tariff, First Revised Volume 1, to be effective 7/5/08.
Filed Date: 06/04/2008.
Accession Number: 20080606–0007.
Comment Date: 5 p.m. Eastern Time on Monday, June 16, 2008.

Docket Numbers: RP08–401–000.
Applicants: Columbia Gas Transmission Corporation.
Description: Columbia Gas Transmission Corporation submits Eleventh Revised Sheet 501 et al. to FERC Gas Tariff, Second Revised Volume 1, to be effective 7/5/08.
Filed Date: 06/05/2008.
Accession Number: 20080605–0056.
Comment Date: 5 p.m. Eastern Time on Tuesday.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8–13302 Filed 6–11–08; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R01–OAR–2008–0117; A–1–FRL–8578–4]

Adequacy Status of the Connecticut 8-Hour Ozone Motor Vehicle Emissions Budgets and Out-Year Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: EPA is notifying the public that EPA has found that the 2008, 2009 and 2012 motor vehicle emissions budgets in the February 1, 2008 Connecticut 8-hour ozone State Implementation Plan revision are adequate for transportation conformity purposes. The submittal includes 2008, 2009 and 2012 motor vehicle emission budgets for the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT (Southwest Connecticut) and the Greater Connecticut 8-hour ozone nonattainment areas. As a result of our finding, Connecticut must use these motor vehicle emission budgets for future conformity determinations.

DATES: This finding is effective June 27, 2008.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Environmental Scientist, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ),

Boston, MA 02114–2023, (617) 918–1668, *cooke.donald@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us'' or ''our'' is used, we mean EPA.

Today's action is simply an announcement of a finding that we have already made. EPA New England sent a letter to the Connecticut Department of Environmental Protection on June 2, 2008, stating that the 2008, 2009 and 2012 motor vehicle emissions budgets (MVEBs) in the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT (Southwest Connecticut) and the Greater Connecticut 8-hour ozone nonattainment areas are adequate. Connecticut submitted the budgets on February 1, 2008, as part of the 8-hour ozone attainment demonstration and reasonable further progress plan for Southwest and Greater Connecticut. This submittal was announced on EPA's conformity Web site, and received no comments. (See *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*. Once there, click on ''What SIP submissions are currently under EPA adequacy review?'')

The 2008, 2009, and 2012 MVEBs, in tons per summer day (tpsd), for volatile organic compounds (VOC) and oxides of nitrogen (NO_X) for Southwest and Greater Connecticut, are as follows:

2008, 2009 AND 2012 ADEQUATE MOTOR VEHICLE EMISSIONS BUDGETS

Year	Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT (Southwest CT) Area		Greater Connecticut area	
	VOC (tpsd)	NO_X (tpsd)	VOC (tpsd)	NO_X (tpsd)
Year 2008	29.7	60.5	28.5	54.3
Year 2009	27.4	54.6	26.3	49.2
Year 2012	20.6	38.2	19.8	34.8

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emissions budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 4, 2008.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E8–13224 Filed 6–11–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2007–0520, EPA–R05–OAR–2007–0585; FRL–8578–6]

Adequacy Status of the Indiana and Ohio Portions of the Cincinnati-Hamilton, Ohio/Kentucky/Indiana, Submitted 8-Hour Ozone Attainment Demonstration for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in the Indiana and Ohio portions of the Cincinnati-Hamilton, Ohio/Kentucky/Indiana area are adequate for use in transportation conformity determinations. Ohio submitted the Cincinnati-Hamilton budgets with an 8-hour ozone attainment demonstration on April 22, 2008. As a result of our finding, the Indiana and Ohio portions of the Cincinnati-Hamilton, Ohio/Kentucky/Indiana area must use the MVEBs from the submitted 8-hour ozone attainment demonstration for future transportation conformity determinations.

DATES: This finding is effective June 27, 2008.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Life Scientist, Criteria Pollutant Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *Maietta.anthony@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we'', ''us'' or ''our'' is used, we mean EPA.

Background

Today's notice is simply an announcement of a finding that we have already made. On May 6, 2008, EPA Region 5 sent a letter to the Ohio Environmental Protection Agency stating that the 2008 MVEBs for the Indiana and Ohio portions of the Cincinnati-Hamilton, Ohio/Kentucky/Indian area, which were submitted with the state's 8-hour ozone attainment demonstration, are adequate. Receipt of these MVEBs was announced on EPA's transportation conformity Web site, and no comments were submitted. The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*.

The adequate 2008 MVEBs, in tons per day (tpd), for VOC and NO_X for the Indiana and Ohio portions of the Cincinnati-Hamilton, Ohio/Kentucky/Indiana area are as follows:

	2008 MVEB (tpd)
VOC	46.00
NO_X	91.36

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and

projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a State Implementation Plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

The finding and the response to comments are available at EPA's transportation conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 3, 2008.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. E8–13225 Filed 6–11–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8578–9]

Gulf of Mexico Program Management Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Management Committee (MC). For information on access or services for individuals with disabilities, please contact Gloria Car, U.S. EPA, at (228) 688–2421 or *car.gloria@epa.gov*. To request accommodation of a disability, please contact Gloria Car, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

DATES: The meeting will be held on Tuesday, July 8, 2008, from 1:30 p.m. to 5 p.m. and on Wednesday, July 9, 2008, from 8:30 a.m. to 12:30 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 315 Julia Street, New Orleans, LA 70130, (504) 525–1993.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda topics include: Gulf of Mexico Alliance Update & Development of *Governors' Action Plan II*; Upcoming Alliance Implementation Workshop; Coastal America Designation of Aquarium of the Americas; Gulf Business and Industry Initiatives; Binational Harmful Algal Bloom Pilot Update; NASA Remote Sensing Initiatives; MS River Monitoring Efforts; USGS Nutrient Loading Modeling Efforts; Gulf Regional Sediment Management Plan Update; Hypoxia Update.

The meeting is open to the public.

Dated: June 5, 2008.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. E8–13231 Filed 6–11–08; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Meeting; Sunshine Act

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Wednesday, June 18, 2008, 9 a.m. Eastern Time.

PLACE: Clarence M. Mitchell, Jr. Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes;
2. Modified Strategic Plan for FY 2007–2012;
3. Systemic Program Update; and
4. State and Local Program Update.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Stephen Llewellyn, Executive Officer on (202) 663–4070.

This Notice Issued: June 9, 2008.

Stephen Llewellyn,

Executive Officer, Executive Secretariat.

[FR Doc. E8–13233 Filed 6–11–08; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 07–21; DA 08–1361]

Comment Sought on Request of Verizon and Qwest to Extend Forbearance Relief From Cost Assignment Rules

AGENCY: Federal Communications Commission.

ACTION: Notice; comments requested.

SUMMARY: On April 24, 2008, the Commission conditionally granted AT&T's and BellSouth's (collectively AT&T) petitions for forbearance. On May 23, 2008, Verizon, on behalf of itself and Qwest, requested that the Commission grant the same forbearance to Verizon and Qwest. This document seeks comment on the issues raised in the Verizon/Qwest Request.

DATES: Submit comments on or before June 26, 2008. Submit reply comments on or before July 7, 2008.

ADDRESSES: You may submit comments, identified by WC Docket No. 07–21, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Agency Web Site: http://www.fcc.gov.* Follow the instructions for submitting comments on the Electronic Comment Filing System (ECFS) / *http://www.fcc.gov/cgb/ecfs/.*
- *E-mail:* to *christi.shewman@fcc.gov.* Include WC Docket 07–21 in the subject line of the message.
- *Fax:* To the attention of Christi Shewman at 202–418–1587. Include WC Docket 07–21 on the cover page.
- *Mail:* All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC

20554. Parties should also send a copy of their filings to Christi Shewman, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

• *Hand Delivery/Courier:* The Commission's contractor, Natek, Inc., 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.

Instructions: All submissions received must include the agency name and docket number. All comments received will be posted without change to *http://www.fcc.gov/cgb/ecfs/,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Comment Filing Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Christi Shewman, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1686.

SUPPLEMENTARY INFORMATION: On April 24, 2008, the Commission conditionally granted AT&T's and BellSouth's (collectively AT&T) petitions for forbearance from 47 U.S.C. 220(a)(2) of the Act (to a limited extent) and various rules, including the following: 47 CFR 32.23 (nonregulated activities); 47 CFR 32.27 (transactions with affiliates); 47 CFR part 64, subpart I (allocation of costs); 47 CFR part 36 (jurisdictional separations procedures); 47 CFR part 69, subparts D and E (cost apportionment); and other related rules that are derivatives of, or dependent on, the foregoing rules. The Commission referred to the statutory provision and Commission rules from which AT&T sought forbearance collectively as the ''Cost Assignment Rules.'' The grant was expressly conditioned on, among other things, the Wireline Competition Bureau's approval of a compliance plan to be filed by AT&T describing in detail how it will continue to fulfill its statutory and regulatory obligations. On May 23, 2008, Verizon, on behalf of itself and Qwest, requested that the Commission grant the same forbearance to Verizon and Qwest.

By this public notice, we seek comment on the issues raised in the Verizon/Qwest Request. Interested parties may file comments on the Verizon/Qwest Request on or before June 26, 2008 and reply comments on or before July 7, 2008. All pleadings should reference WC Docket No. 07–21.

This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. *See* 47 CFR 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

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 website 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).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or via e-mail at *fcc@bcpiweb.com.*

Authority: 47 U.S.C. 154(i), 160, 220.

Federal Communications Commission.

Marcus Maher,

Associate Chief, Wireline Competition Bureau.

[FR Doc. E8–13292 Filed 6–11–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Employee Thrift Advisory Council

TIME AND DATE: 9 a.m. (Eastern Time), June 30, 2008.

PLACE: 2nd Floor, Training Room, 1250 H Street, NW., Washington, DC 20005.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the December 19, 2007 meeting.
2. Report of the Executive Director on Thrift Savings Plan Status.
3. Discussion Draft Legislation.
4. Other proposals.
5. New business.

FOR FURTHER INFORMATION CONTACT: Thomas K. Emswiler, Committee Management Officer, (202) 942–1660.

Dated: June 10, 2008.

Thomas K. Emswiler,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 08–1353 Filed 6–10–08; 1:59 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Pediatric Medical Device Stakeholders Workshop

AGENCIES: Agency for Healthcare Research and Quality (AHRQ); U.S. Food and Drug Administration (FDA); and National Institutes of Health (NIH).

ACTION: Notice.

SUMMARY: The Interagency (AHRQ–FDA–NIH) Pediatric Devices Working Group is holding a workshop to gather information about the development of pediatric devices.

DATES: The workshop will be held on July 23, 2008 from 8 a.m. until 5 p.m. EDT.

ADDRESSES: The workshop will be held in Natcher Auditorium, located in Building 45, NIH Main Campus, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: Steven Hirschfeld, MD, PhD, Associate Director for Clinical Research, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 31 Center Drive, Room 2A03, Bethesda, Maryland 20814; Tel: 301–496–3454; Fax: 301–402–1104; E-mail: *hirschfs@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: In September 2007, the Congress passed Title III of the FDA Amendments Act, called the Pediatric Medical Device Safety and Improvement Act. The legislation requires that the DHHS Secretary submit a plan to Congress for expanding pediatric medical device research and development. In developing the plan, the DHHS Secretary shall consult with individuals and organizations with appropriate expertise in pediatric medical devices. The plan shall include the current status of federally funded pediatric medical device research; any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

This meeting of the Interagency Pediatric Devices Working Group, which includes AHRQ, FDA, and NIH, seeks to elicit feedback about expanding pediatric device research and development from interested communities and the public to help inform the plan that the DHHS Secretary will submit in accordance with the legislation.

The purpose of this workshop is to:

- Inform the community of the current status of pediatric device development;
- Describe available mechanisms for device product registration;
- Describe available mechanisms for pediatric device project funding;
- Understand what stakeholders see to be important areas of study;
- Determine gaps in knowledge and where the needs for research are; and
- Discuss ways to gather the information needed to move ahead, such as overcoming barriers, handling logistics, determining classes of devices to study, and identifying available databases, registries, surveillance systems.

You are not required to preregister for this meeting to attend. However, preregistering allows you to receive current information about the meeting, its agenda, and other details (such as how to prepare statements, participating in working lunch sessions, etc.). To register, please send an e-mail to *hirschfs@mail.nih.gov* with ''Device Workshop Registration'' in the subject line. Please also include the following information. (Note: Incomplete information may limit the organizers' ability to keep you informed about the workshop; please provide accurate and complete information):

- First and Last Name
- Degree (optional)
- Professional Title (optional)
- Organization and Department
- Type of Organization (e.g., government agency, non-profit hospital, for-profit company, etc.)
- Address
- City, State, and ZIP Code
- Country
- Phone (Main contact number):
- Fax:
- E-mail:

The agenda; logistics; legislation; background material and information; and a link to the Request for Information (RFI) issued for this topic can be found at *http://www.nichd.nih.gov/about/meetings/2008/devices.cfm.*

Duane Alexander,

Director, Eunice Kennedy Shriver Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. E8–13278 Filed 6–11–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–07BJ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Economic Analysis of the National Program of Cancer Registries—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Program of Cancer Registries (NPCR) is a comprehensive, federally sponsored public health program involving cancer registries in 45 States and the District of Columbia. The NPCR was established to collect data on the occurrence of cancer; the type, extent, and location of the cancer; and the type of initial treatment.

CDC proposes to conduct a systematic analysis of the economic costs incurred by the NPCR. Additional information will be collected on registry activities, activity-based costs, other sources of funding and in-kind contributions. Information will be submitted to CDC once per year for three years using a Web-based system. There is no overlap with information currently collected from NPCR awardees through the Annual Program Evaluation Instrument (OMB No. 0920–0706, exp. 12/31/2008).

The proposed information collection will allow CDC to assess the true cost of registry operations in relation to the benefits of those operations, identify factors that impact cost, perform cost-effectiveness analysis, and improve the efficiency of resource allocation within the NPCR.

There are no costs to respondents except their time. The total estimated annualized burden hours are 1,012.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
NPCR funded registries	46	1	22

Dated: June 5, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–13181 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–0621]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

2009 and 2011 National Youth Tobacco Surveys (NYTS)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC requests OMB approval to conduct the National Youth Tobacco Survey (NYTS) in 2009 and 2011 (OMB No. 0920–0621; exp. date December 31, 2008). The NYTS is a school-based survey that that has been conducted in 1999, 2000, 2002, 2004, and 2006. To improve the coordination and efficiency of school-based surveillance activities within CDC, the proposed revision will establish a routine data collection schedule to occur in the Spring of odd-numbered years. Minor changes to the survey instrument and the burden estimate also are proposed.

The NYTS provides national estimates for middle and high school students of tobacco use behaviors, information about exposure to pro- and anti-tobacco influences, and information about racial and ethnic disparities in these tobacco-related behaviors and behavioral determinants. Information collected through the NYTS is used to identify trends over time, to inform the development of tobacco cessation programs for youth, and to evaluate the effectiveness of existing interventions and programs. The NYTS covers the following topics related to youth tobacco use: Use of cigarettes, smokeless tobacco, cigars, pipes, bidis, and kreteks; knowledge and attitudes; media and advertising; access to tobacco products and enforcement of restrictions on access; school curriculum; environmental tobacco smoke exposure; and cessation.

The NYTS will be conducted among nationally representative samples of students in grades 6–12 attending public and private schools. Responding students will complete a self-administered optically scannable questionnaire that includes multiple-choice questions. Information supporting the NYTS also will be collected from state-, district-, and school-level administrators and teachers. The table below reports the combined total number of respondents for the 2009 and 2011 NYTS annualized over the requested three-year OMB approval period.

There are no costs to respondents except their time. The estimated annualized burden hours are 10,213.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State Administrators	State-level Recruitment Script for the NYTS	17	1	30/60
District Administrators	District-level Recruitment Script for the NYTS	80	1	30/60
School Administrators	School-level Recruitment Script for the NYTS	133	1	30/60
Teachers	Data Collection Checklist for the NYTS	635	1	15/60
Students	National Youth Tobacco Survey (NYTS)	13,251	1	45/60

Dated: June 5, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–13194 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): CDC Grants for Public Health Research Dissertation (Panel C), Program Announcement (PAR) 07–231

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 8:30 a.m.–5 p.m., July 8, 2008 (Closed).

Place: Hyatt Regency Atlanta, 265 Peachtree Street, NE., Atlanta, GA 30303, Telephone (404) 577–1234.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of ''CDC Grants for Public Health Research Dissertation (Panel C), PAR07–231.''

Contact Person for More Information: Juliana Cyril, PhD, M.P.H., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4639.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13175 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Elimination of Health Disparities Through Translation Research (R18), Request for Application (RFA) CD08–001

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 9 a.m.–5 p.m., July 9, 2008 (Closed).

Place: Atlanta Marriott-Century Center, 2000 Century Boulevard, Atlanta, GA 30345.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of ''Elimination of Health Disparities Through Translation Research (R18, RFA CD08–001).''

Contact Person for More Information: M. Chris Langub, PhD, Scientific Review Administrator, Office of Extramural Programs, CDC, 1600 Clifton Road, NE., Mailstop E74, Atlanta, GA 30333, Telephone (404) 498–2543.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13174 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): CDC Grants for Public Health Research Dissertation (Panel A–1), Program Announcement (PAR) 07–231

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 8:30 a.m.–4 p.m., July 14, 2008 (Closed).

Place: CDC, Global Communications Center, Room 256, 1600 Clifton Road, NE., Atlanta, GA 30333.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of ''CDC Grants for Public Health Research Dissertation (Panel A–1), PAR07–231.''

Contact Person for More Information: Sheree Marshall Williams, PhD, M.Sc., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4896.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13177 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Preparedness and Emergency Response Research Centers: A Public Health System Approach, Program Announcement Number, TP 08–001

Correction: This notice was published in the **Federal Register** on May 22, 2008, Volume 73, Number 100, page 29759. The aforementioned meeting will now convene as follows:

Panel 1

7 p.m.–9:30 p.m., July 7, 2008 (Closed).
8 a.m.–5:30 p.m., July 8, 2008 (Closed).
8:30 a.m.–5:30 p.m., July 9, 2008 (Closed).

Panel 2

7 p.m.–9:30 p.m., July 9, 2008 (Closed).
8:30 a.m.–5:30 p.m., July 10, 2008 (Closed).
8:30 a.m.–5:30 p.m., July 11, 2008 (Closed).

Contact Person for More Information: Charles Rafferty, PhD, Senior Scientific Reviewer Officer, Office of Science and Public Health Practice, Coordinating Office for Terrorism Preparedness and Emergency Response, CDC, 1600 Clifton Road, NE., Mailstop D44, Atlanta, GA 30333, Telephone (404) 639–7495.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13178 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): CDC Grants for Public Health Research Dissertation (Panel A–2), Program Announcement (PAR) 07–231

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–4 p.m., July 16, 2008 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of ''CDC Grants for Public Health Research Dissertation (Panel A–2), PAR07–231.''

Contact Person for More Information: Sheree Marshall Williams, PhD, M.Sc., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4896.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13179 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Developing Measures To Access Compliance With Centers for Disease Control and Prevention (CDC)/Healthcare Infection Control Practices Advisory Committee (HICPAC) Recommendations for the Prevention of Healthcare Associated Methicillin Resistant Staphylococcus Aureus and Related Multidrug Resistant Organisms, Potential Extramural Project 2008–R–20

Correction: This notice was published in the **Federal Register** on April 16, 2008, Volume 73, Number 74, page 20678. The aforementioned meeting has been rescheduled to the following:

Time and Date: 1 p.m.–3 p.m., June 17, 2008 (Closed).

Contact Person for More Information: Linda Shelton, Program Specialist, Coordinating Center for Health and Information Service, Office of the Director, CDC, 1600 Clifton Road, NE., Mailstop E21, Atlanta, GA 30333. Telephone (404) 498–1194.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13183 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Monitoring Hospitalization and Outpatient Visits for Pneumonia and Other Non-Invasive Pneumonococcal Diseases by Using National Databases, Potential Extramural Project 2008–R–17

Correction: This notice was published in the **Federal Register** on April 18, 2008, Volume 73, Number 76, page 21136. The aforementioned meeting has been rescheduled to the following:

Time and Date: 1 p.m.–3 p.m., June 17, 2008 (Closed).

Contact Person for More Information: Linda Shelton, Program Specialist, Coordinating Center for Health and Information Service, Office of the Director, CDC, 1600 Clifton Road, NE., Mailstop E21, Atlanta, GA 30333. Telephone (404) 498–1194.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13184 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): CDC Grants for Public Health Research Dissertation (Panel A–3), Program Announcement (PAR) 07–231

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–4 p.m., July 17, 2008 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5

U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of ''CDC Grants for Public Health Research Dissertation (Panel A–3), PAR07–231.''

Contact Person for More Information: Sheree Marshall Williams, Ph.D., M.Sc., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4896.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 6, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–13185 Filed 6–11–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Plan for Foster Care, Independent Living Services and Adoption Assistance under Title IV–E of the Social Security Act.

OMB No.: 0980–0141.

Description: A State plan is required by sections 471 and 477(b)(2), part IV–E of the Social Security Act (the Act) for each public child welfare agency requesting Federal funding for foster care, independent living services and adoption assistance under the Act. The State plan is a comprehensive narrative description of the nature and scope of a State's programs and provides assurances the programs will be administered in conformity with the specific requirements stipulated in title IV–E. The plan must include all applicable State statutory, regulatory, or policy references and citation for each requirement as well as supporting documentation. A State may use the pre-print format prepared by the Children's Bureau of the Administration for Children and Families or a different format on the condition that the format used includes all of the title IV–E State plan requirements of the Act.

Respondents: State and Territorial Agencies (State Agencies) administering or supervising the administration of the title IV–E program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Title IV–E State Plan	13	1	15	195

Estimated Total Annual Burden Hours: 195.

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: June 5, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E8–13089 Filed 6–11–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2001–D–0067] (formerly Docket No. 2001D–0185)

Draft Guidance for Industry on Providing Regulatory Submissions in Electronic Format—Postmarketing Individual Case Safety Reports; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Postmarketing Individual Case Safety Reports.'' This draft guidance consolidates and revises information in two existing draft guidances pertaining to electronic submission of postmarketing individual case safety reports (ICSRs) and attachments to ICSRs (ICSR attachments). The submission of ICSRs and ICSR attachments in an electronic format significantly improves the agency's efficiency in processing, archiving, and reviewing the reports.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance, including comments regarding proposed collection of information, by August 11, 2008.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002, or to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your

requests. The guidance may also be obtained by calling CBER at 1–800–835–4709 or 301–827–1800. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Roger Goetsch, Center for Drug Evaluation and Research (HFD–410), Food and Drug Administration, 12300 Twinbrook Pkwy., suite 240, Rockville, MD 20851, 301–770–9299; or

Steven Ripley, Center for Biologics Evaluation and Research (HFM–17),Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852,301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Postmarketing Individual Case Safety Reports'' (the electronic ICSR draft guidance). The electronic ICSR draft guidance will apply to drug products marketed for human use with approved new drug applications (NDAs) and abbreviated new drug applications (ANDAs); prescription drug products marketed for human use without an approved NDA or ANDA; nonprescription drug products marketed without an approved application; biological products, including therapeutic vaccines, marketed for human use with approved biologic license applications (BLAs) and submission tracking numbers (STNs); and human cells, tissues, and cellular and tissue-based products (HCT/Ps) regulated under section 361 of the Public Health Service Act (the PHS Act) (42 U.S.C. 264). The electronic ICSR draft guidance will not apply to prophylactic vaccines, whole blood, or components of whole blood.

A. Consolidation of Earlier Guidance

This electronic ICSR draft guidance consolidates and revises information pertaining to electronic submission of postmarketing ICSRs and ICSR attachments in the following guidances:

- Draft guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Postmarketing Expedited Safety Reports'' issued in May 2001 (Expedited Reports draft guidance) (66 FR 22585, May 4, 2001), and
- Draft guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Postmarketing Periodic Adverse Drug Experience Reports'' issued in June 2003 (Periodic Reports draft guidance) (68 FR 37504, June 24, 2003).

The electronic ICSR draft guidance replaces the Expedited Reports draft guidance in its entirety, and we have removed the Expedited Reports draft guidance from the Center for Drug Evaluation and Research (CDER) and CBER's guidance pages. The electronic ICSR draft guidance also replaces the ICSR and ICSR attachment portion of the Periodic Reports draft guidance, but does not address the descriptive information portion. We have removed the Periodic Reports draft guidance from CDER and CBER's guidance pages. For information on electronic submission of the descriptive information portion of periodic adverse drug experience reports, see the section on periodic safety update reports in the guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications'' (see Revision 2, June 2008).

B. International Standards for Electronic Transmission

FDA has cooperated with industry associations, standards development organizations, and the regulatory authorities of certain other nations to promote international harmonization of regulatory requirements. Much of this effort has been coordinated through the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). Under the auspices of the ICH, standards for electronic submission of safety information for human drug and biological products have been developed. This draft guidance is intended to provide guidance to industry regarding submission of postmarketing ICSRs and ICSR attachments to FDA in electronic form using the standards established by the ICH.

C. Updated Recommendations

As a result of comments received on the Expedited Reports and Periodic Reports draft guidances, as well as evolving technology, a number of substantive changes have been made to the agency's recommendations for the electronic transmission of ICSRs and ICSR attachments. In addition to consolidating all the information pertaining to electronic submission of ICSRs and ICSR attachments into a single guidance, the electronic ICSR draft guidance also provides references to technical specifications for these submissions.

Since the Expedited Reports and Periodic Reports draft guidances were issued, the agency has received ICSRs for HCT/Ps regulated under section 361 of the PHS Act. On December 22, 2006, the President signed the Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109–462), which amended the Federal Food, Drug, and Cosmetic Act to add safety reporting requirements for nonprescription drug products marketed without an approved application (21 U.S.C. 379aa). The recommendations in this electronic ICSR draft guidance will apply to these products as well as to products with approved NDAs, ANDAs, BLAs and STNs, and prescription drug products marketed without an approved NDA or ANDA.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on providing postmarketing ICSRs and ICSR attachments in electronic format. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments 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 Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at *http://www.regulations/gov*.

III. Paperwork Reduction Act of 1995

This electronic ICSR draft guidance refers to proposed collections of information required by Public Law 109–462 and subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). As required by the PRA, FDA is now requesting public comment (see **DATES**) on these proposed collections of information. The agency's analysis and estimates of the proposed collections of information in the electronic ICSR draft guidance that are required by Public Law 109–462 have been described previously in FDA's notice of availability for a draft guidance entitled ''Postmarketing Adverse Event Reporting for Nonprescription Human Drug Products Marketed Without an Approved Application'' (72 FR 58316, October 15, 2007) (the October 2007 PRA analysis). For burden estimates for the proposed collections of information in the electronic ICSR draft guidance, see the October 2007 PRA analysis.

This electronic ICSR draft guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR 310.305, 314.80, 600.80, and 1271.350 have been approved under OMB control numbers 0910–0291, 0910–0230, 0910–0308, and 0910–0543 respectively.

IV. Electronic Access

Persons with access to the Internet may obtain the document at*http://www.fda.gov/cder/guidance/index.htm*, *http://www.fda.gov/cber/guidelines.htm*, or *http://www.regulations.gov*.

Dated: June 2, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–13269 Filed 6–11–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0339]

Draft Guidance for Industry on Updating Labeling for Susceptibility Test Information in Systemic Antibacterial Drug Products and Antimicrobial Susceptibility Testing Devices; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Updating Labeling for Susceptibility Test Information in Systemic Antibacterial Drug Products and Antimicrobial Susceptibility Testing Devices.'' The Food and Drug Administration Amendments Act of 2007 (FDAAA) includes a requirement that FDA identify and periodically update susceptibility test interpretive criteria for antibacterial drug products and make those findings publicly available. This draft guidance informs industry of how FDA intends to comply with the FDAAA requirement. Specifically, the draft guidance describes procedures and responsibilities for updating information on susceptibility test interpretive criteria, susceptibility test methods, and quality control parameters in the labeling for systemic antibacterial drug products for human use. This draft guidance also describes procedures for making corresponding changes to susceptibility test interpretive criteria for antimicrobial susceptibility testing (AST) devices.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by August 11, 2008. Submit written comments on the proposed collection of information by August 11, 2008.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002 or the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850–4307. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance, including comments regarding proposed collection of information, to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding antibacterial drug products: Edward Cox, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6414, Silver Spring, MD 20993–0002, 301–796–1300, or

Regarding AST devices: Freddie Poole, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240–276–0712.

SUPPLEMENTARY INFORMATION:

I. Background

Antibacterial susceptibility testing is used to determine if bacteria that are isolated from a patient with an infection are likely to be killed or inhibited by a particular antibacterial drug product at the concentrations of the drug that are attainable at the site of infection using the dosing regimen(s) indicated in the drug product's labeling. The results from antibacterial susceptibility testing generally categorize bacteria as ''susceptible,'' ''intermediate,'' or ''resistant'' to each of the antibacterial drugs that are tested. When available, culture and susceptibility testing results are one of the factors that physicians consider when selecting an antimicrobial drug product for treating a patient.

The numerical values generated by susceptibility testing to determine whether a particular microorganism is susceptible to a particular antimicrobial drug—the antimicrobial susceptibility test interpretive criteria—are commonly referred to as breakpoints. These breakpoints are specified in the antimicrobial drug product's label. The antimicrobial susceptibility test interpretive criteria can be used to interpret results from either manual or automated AST devices.

On September 27, 2007, the President signed FDAAA (Public Law 110–85) into law. Section 1111 of FDAAA requires FDA to identify and periodically update susceptibility test interpretive criteria for antibacterial drug products and to make those findings publicly available. By enacting section 1111 of FDAAA, Congress recognized the importance of maintaining updated susceptibility test interpretive criteria.

FDA is announcing the availability of a draft guidance for industry entitled ''Updating Labeling for Susceptibility Test Information in Systemic Antibacterial Drug Products and Antimicrobial Susceptibility Testing Devices'' to inform industry of how FDA intends to comply with section 1111 of FDAAA. The draft guidance explains

the importance of making available to health care providers the most current information regarding susceptibility test interpretive criteria for antibacterial drug products. The draft guidance describes procedures for FDA, drug application holders, and AST device manufacturers to ensure that updated susceptibility test information is available to health care providers for the following reasons: (1) To address concerns about antibacterial drug product labeling with out-of-date information on susceptibility test interpretive criteria, quality control parameters, and susceptibility test methods and (2) to comply with the new requirements of section 1111 of FDAAA. Where appropriate, FDA intends to identify susceptibility test interpretive criteria, quality control parameters, and susceptibility test methods by recognizing annually, in a **Federal Register** notice, standards developed by one or more nationally or internationally recognized standard development organizations. Drug application holders of approved antibacterial drug products will then have the option of relying on FDA recognized standards to update their product labeling.

The draft guidance describes possible approaches that holders of new drug applications (NDAs) and those abbreviated new drug applications (ANDAs) that are designated as a reference listed drug can use to meet their responsibilities to update their product labeling for systemic antibacterial drug products. Application holders can use the following approaches:

- Submit a labeling supplement that relies upon a standard recognized by the agency.
- Submit a labeling supplement that includes data supporting a proposed change to the microbiology information in the labeling that differs from the agency's recognized standard.

Alternatively, in the event that application holders do not believe that any labeling changes are necessary, they should provide written justification in support of the current information in the *Microbiology* subsection of the product labeling.

The agency will make the updated information available by publicly posting changes to the product labeling within 30 days of approval of a supplement that includes a change to the *Microbiology* subsection of the product labeling.

The draft guidance also describes how manufacturers of in vitro diagnostic AST devices should update the susceptibility test information in their labeling to incorporate an FDA recognized standard or a change in labeling for a relevant antibacterial drug product.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments 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 Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at *http://www.regulations.gov*.

III. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (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 that 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** for each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing this notice of the proposed collection of information set forth in this document.

With respect to the collection of information associated with this draft guidance, FDA invites comments on the following 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 estimated 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.

Application holders can use one of the following approaches to meet their responsibilities to update their product labeling under the draft guidance and FDA regulations: Submit a labeling supplement that relies upon a standard recognized by FDA in a **Federal Register** notice, or submit a labeling supplement that includes data supporting a proposed change to the microbiology information in the labeling. In addition, application holders should include in their annual report an assessment of whether the information in the *Microbiology* subsection of their product labeling is current or changes are needed. This information collection is already approved by OMB under control number 0910–0572 (the requirement in 21 CFR 201.56(a)(2) to update labeling when new information becomes available that causes the labeling to become inaccurate, false, or misleading) and control number 0910–0001 (the requirement in 21 CFR 314.70(b)(2)(v) to submit labeling supplements for certain changes in the product's labeling, and the requirement in 21 CFR 314.81(b)(2)(i) to include in the annual report a brief summary of significant new information from the previous year that might affect the labeling of the drug product).

In addition, under the draft guidance, if the information in the applicant's product labeling differs from the standards recognized by FDA in the **Federal Register** notice, and the applicant believes that changes to the labeling are not needed, the applicant should provide written justification to FDA. This justification should explain why the recognized standard does not apply to its drug product and why changes are not needed to the *Microbiology* subsection of the product's labeling. This justification should also be submitted as general correspondence to the product's application, and a statement indicating that no change is currently needed and the supporting justification should be included in the

annual report. Based on our knowledge of the need to update information on susceptibility test interpretive criteria, susceptibility test methods, and quality control parameters in the labeling for systemic antibacterial drug products for human use, we estimate that, annually, only 2 applicants will submit the written justification described previously and in the draft guidance. We also estimate that each justification will take approximately 16 hours to prepare and submit to FDA as general correspondence and as part of the annual report.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

	No. of Respondents	No. of Responses per Respondent	Total Responses	Hours Per Response	Total Hours
Justification submitted as general correspondence and in the annual report	2	1	2	16	32

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.regulations.gov*.

Dated: June 9, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. 08–1350 Filed 6–10–08; 11:31 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–0321]

Hospira, Inc., et al.; Withdrawal of Approval of One New Drug Application and Two Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of one new drug application (NDA) and two abbreviated new drug applications (ANDAs) for edetate disodium injection. The holders of these applications have agreed in writing to permit FDA to withdraw approval of the applications and have waived their opportunity for a hearing.

DATES: Effective June 12, 2008.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6366, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: FDA informed the holders of the following applications that the agency believes a potential problem associated with edetate disodium is sufficiently serious that the following drug products should be removed from the market:

Application No.	Drug	Applicant
NDA 11–355	ENDRATE (edetate disodium) Injection	Hospira, Inc., 275 North Field Dr., Lake Forest, IL 60045– 5046
ANDA 40–376	Edetate Disodium Injection	Apotex Inc., 150 Signet Dr., Toronto, Ontario, Canada M9L 1T9
ANDA 40–437	Edetate Disodium Injection	Bioniche Pharma, 272 E. Deerpath Rd., suite 304, Lake Forest, IL 60045

Edetate disodium is indicated for the treatment of hypercalcemia and for the control of ventricular arrhythmias associated with digitalis toxicity. Hospira, Inc. (Hospira), Apotex Inc. (Apotex), and Bioniche Pharma (Bioniche) have agreed in writing to permit FDA to withdraw approval of their respective applications (listed in the table of this document), and to voluntarily remove their respective products from the market, under § 314.150(d) (21 CFR 314.150(d)).

On January 16, 2008, FDA issued a public health advisory to alert patients and healthcare professionals about important safety information concerning the drug edetate disodium (see ''FDA Public Health Advisory: Edetate Disodium (Marketed as ENDRATE and Generic Products),'' available on the Internet at *http://www.fda.gov/cder/drug/infopage/edetate_disodium/default.htm*). As noted in the January 16, 2008, Public Health Advisory, there have been cases where children and adults have died when they were mistakenly given edetate disodium instead of edetate calcium disodium (calcium disodium versenate) or when edetate disodium was used for indications other than those approved by FDA. FDA asked Hospira, Apotex, and Bioniche to voluntarily remove their products (listed in the table of this document) from the market because of safety concerns.

Hospira's NDA 11–355 for ENDRATE was initially approved in 1959 solely on the basis of safety. The 1962 amendments to the Federal Food, Drug, and Cosmetic Act (the act) required that drugs be shown to be effective as well. To accomplish this, FDA initiated the Drug Efficacy Study Implementation (DESI) review to evaluate the effectiveness of drugs that had been previously approved on safety grounds alone. In its DESI review of edetate disodium, FDA concluded that edetate disodium was effective for the treatment of hypercalcemia and for the control of ventricular arrhythmias associated with

digitalis toxicity, the two approved indications for the drug (35 FR 437, January 13, 1970).

In a letter dated September 17, 2007, FDA informed Hospira that the agency was reevaluating the safety and efficacy of ENDRATE (edetate disodium) Injection based on reports of fatal medication errors and reports of serious adverse reactions associated with this product. In its September 17, 2007, letter, FDA asked Hospira for additional information related to the safety of ENDRATE (edetate disodium) Injection.

On September 19, 2007, FDA sent letters to Apotex and Bioniche for ANDAs 40–376 and 40–437, respectively, requesting the same information for generic versions of edetate disodium. In a letter dated October 1, 2007, Hospira provided the postmarketing safety information FDA requested on ENDRATE (edetate disodium). In its October 1, 2007, letter, Hospira stated that ''[b]ased on the limited indications for ENDRATE (edetate disodium) and the availability of alternate medical products that offer a superior risk-benefit profile,'' Hospira determined that ''the product is not medically necessary.''

In a letter dated December 7, 2007, under § 314.150(d), FDA asked Hospira to waive its opportunity for a hearing (otherwise provided for under part 314 (21 CFR part 314)) to permit FDA to withdraw approval of NDA 11–355, and to voluntarily remove ENDRATE (edetate disodium) from the market. In a letter dated December 20, 2007, Hospira concurred with FDA's determination to withdraw approval of NDA 11–355, ENDRATE (edetate disodium), under § 314.150(d); waived its opportunity for a hearing; and agreed to voluntarily remove ENDRATE from the market. Hospira initiated a recall of the product.

In separate telephone conversations on April 8, 2008, FDA asked Apotex and Bioniche, under § 314.150(d), to permit FDA to withdraw approval of ANDAs 40–376 and 40–437, respectively, for generic versions of edetate disodium, and to waive their opportunity for a hearing. Apotex and Bioniche, in letters dated April 9, 2008, and April 17, 2008, respectively, agreed to withdraw their ANDAs under § 314.150(d). Both Apotex and Bioniche indicated that alternative drug products that offer a superior risk-benefit profile are currently available for the approved indications for edetate disodium injection. Both Apotex and Bioniche waived their opportunity for a hearing (otherwise provided under part 314). In its April 9, 2008, letter, Apotex stated it has never marketed ANDA 40–376. In its April 17, 2008, letter, Bioniche agreed to voluntarily remove its edetate disodium product from the market.

Therefore, under section 505(e) of the act (21 U.S.C. 355(e)), § 314.150(d), and under authority delegated to the Director, Center for Drug Evaluation and Research, by the Commissioner of Food and Drugs, approval of the applications listed in the table of this document, and all amendments and supplements thereto, is withdrawn (see **DATES**). Distribution of these products in interstate commerce without an approved application is illegal and subject to regulatory action (see sections 505(a) and 301(d) of the act (21 U.S.C. 355(a) and 331(d)). On the basis of the circumstances described in this document that led to the withdrawal of approval of the applications listed in the table of this document, the agency will remove these products from the list of drug products with effective approvals published in FDA's ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' referred to as the ''Orange Book.''

Dated: May 15, 2008.

Douglas C. Throckmorton,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. E8–13273 Filed 6–11–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(cX4) 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: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Musculoskeletal Tissue Engineering.

Date: June 16, 2008.

Time: 10 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John P. Holden, PhD, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–496–8551, *holdenjo@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Orthopaedic Device-associated Immunology.

Date: June 20, 2008.

Time: 8 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John P. Holden, PhD, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–496–8551, *holdenjo@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: CNS Disorders and Clinical Neuroscience.

Date: July 8, 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: Alexander Yakovlev, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Minority Fellowships in Neurobiology and Development.

Date: July 14, 2008.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Cathy J. Wedeen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–435–1191, *wedeenc@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 4, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–13017 Filed 6–11–08; 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 is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, July 8, 2008, 8 a.m. to July 8, 2008, 5:30 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on June 2, 2008, 73 FR 31493–31495.

The meeting title has been changed to ''Tomography for Chronic Diseases''. The meeting is closed to the public.

Dated: June 4, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–13020 Filed 6–11–08; 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 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 Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders K.

Date: June 19, 2008.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Willard InterContinental Washington, 1401 Pennsylvania Avenue, NW., Washington, DC 20004.

Contact Person: Shanta Rajaram, PhD, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC9529, Bethesda, MD 20852, (301) 435–6033, *rajarams@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders B.

Date: June 19, 2008.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Ernest W. Lyons, PhD, Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–4056.

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 Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders C.

Date: June 20, 2008.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: William C. Benzing, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892, (301) 496–0660, *benzingw@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: June 26, 2008.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Washington DC Downtown, 815 14th Street, NW., Washington, DC 20005.

Contact Person: Richard D. Crosland, PhD, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 4, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–13021 Filed 6–11–08; 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; The NIDDK Special Emphasis Panel Telephone Review.

Date: July 21, 2008.

Time: 11 a.m. to 12 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: Xiaodu Guo, MD, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies.

Date: July 29, 2008.

Time: 1:30 p.m. to 4 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: Thomas A. Tatham, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.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: June 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–13149 Filed 6–11–08; 8:45 am]

BILLING CODE 4140–01–P

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; Planning Grant in Life Style Interventions.

Date: July 16, 2008.

Time: 10 a.m. to 12 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: Maria E. Davila-Bloom, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; George M. O'Brien Urology Research Centers (P50).

Date: July 21–22, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza National Airport, 2650 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Paul A. Rushing, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.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: June 5, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–13150 Filed 6–11–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Measures of Co-Occurring Infrastructure (OMB No. 0930–0284)—Revision

SAMHSA's Center for Mental Health Services and Center for Substance Abuse Treatment conducts a data collection activity for provider-level performance measures about the screening, assessment, and treatment of co-occurring disorders. The measures were developed with active input from COSIG grantees. Their input was also sought regarding suggestions for making the implementation and reporting processes as smooth as possible. Based on suggestions from COSIG grantees, CSAT has taken the following actions to improve data quality: Clarified instructions, simplified minimum required reporting, developed optional reporting methods, allowed grantees time to work out internal processes, and held monthly conference calls to answer grantee questions and to allow grantees to share experiences with implementation. These steps allow CSAT to enhance working relationships with the grantees and improve the overall quality of the data collection process.

Implementation will be limited to 16 of the States with Co-occurring State Incentive Grants (COSIG) and States receiving COSIG grants in future years. COSIG grants enable States to develop or enhance their infrastructure and capacity to provide accessible, effective, comprehensive, coordinated/integrated, and evidence-based treatment services to persons with co-occurring substance abuse and mental disorders. Only the immediate Office of the Governor of States may receive COSIG grants, because SAMHSA considers the Office of the Governor to have the greatest potential to provide the multi-agency leadership needed to accomplish COSIG goals. The COSIG program is part of SAMHSA's plan to achieve certain goals regarding services for persons with co-occurring substance use and mental disorders:

- Increase percentage of treatment programs that screen for co-occurring disorders;
- Increase percentage of treatment programs that assess for co-occurring disorders;
- Increase percentage of treatment programs that treat co-occurring disorders through collaborative, consultative, and integrated models of care;
- Increase the number of persons with co-occurring disorders served.

These measures will enable SAMHSA to benchmark and track progress toward these goals within COSIG States.

Information will be collected annually about the number and percentage of programs that offer screening, assessment, and treatment services for co-occurring disorders; and the number of clients actually screened, assessed, and treated through these programs. Information will also be collected annually about providers' policies regarding screening, assessment, and treatment services for persons with co-occurring disorders.

A questionnaire, to be completed by providers, contains 47 items, answered either by checking a box or entering a number in a blank. The questionnaire is available both in printed form and electronically. Obtaining the information to enter on the questionnaire will require respondent providers to track screening, assessment, and treatment services for clients.

COSIG States will be required to report information to SAMHSA for all

providers directly participating in their COSIG projects. SAMHSA will consider sampling strategies for States with large numbers of participating providers and for providers serving large numbers of clients. Annual burden for the activities is shown below:

Data collection	Number of respondents	Responses per respondent	Hours per response (min)	Total burden hours
Capacity to Screen, Assess, and Treat	298	1	4.5	1,341
Policy on Screening, Assessment, Referral, and Treatment	298	1	3	15
Total	298			1,356

Written comments and recommendations concerning the proposed information collection should be sent by July 14, 2008 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: (202) 395–6974.

Dated: June 6, 2008.

Elaine Parry,

Acting Director, Office of Program Services.

[FR Doc. E8–13189 Filed 6–11–08; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3286–EM]

Ohio; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Ohio (FEMA–3286–EM), dated April 24, 2008, and related determinations.

EFFECTIVE DATE: June 4, 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: The notice of an emergency declaration for the State of Ohio is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 24, 2008.

Licking, Madison, and Marion Counties for emergency protective measures (Category B), including snow removal, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

(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. E8–13202 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1765–DR]

Nebraska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA–1765–DR), dated May 30, 2008, and related determinations.

EFFECTIVE DATE: May 30, 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: Notice is hereby given that, in a letter dated May 30, 2008, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms, tornadoes, and flooding during the period of April 23–26, 2008, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, except for any particular projects that are eligible for a higher Federal cost-sharing percentage under the FEMA Public Assistance Pilot Program instituted pursuant to 6 U.S.C. 777. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program also will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas A. Hall, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

The following areas of the State of Nebraska have been designated as

adversely affected by this declared major disaster:

Gage, Johnson, Morrill, Nemaha, and Pawnee Counties for Public Assistance.

All counties within the State of Nebraska are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(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. E8–13201 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1758–DR]

Arkansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–1758–DR), dated May 20, 2008, and related determinations.

EFFECTIVE DATE: May 12, 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: Notice is hereby given that the incident period for this disaster is closed effective May 12, 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. E8–13207 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1763–DR]

Iowa; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–1763–DR), dated May 27, 2008, and related determinations.

EFFECTIVE DATE: May 30, 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: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 27, 2008.

Black Hawk and Buchanan Counties for Public Assistance and Individual Assistance.

Butler County for Public Assistance (already designated for emergency protective measures [Category B], limited to direct Federal assistance, under the Public Assistance program.)

Delaware County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 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. E8–13206 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1765–DR]

Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–1765–DR), dated May 30, 2008, and related determinations.

EFFECTIVE DATE: May 31, 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: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Thomas A. Hall as Federal Coordinating Officer for this disaster.

(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. E8–13204 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1754–DR]

Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–1754–DR), dated May 9, 2008, and related determinations.

EFFECTIVE DATE: June 2, 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: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 9, 2008.

Kingfisher County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 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. E8–13205 Filed 6–11–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5200–C–01A2]

Notice of HUD's Fiscal Year (FY) 2008 General Section and FY2008 SuperNOFA for HUD's Discretionary Grant Programs; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Discretionary Grant Programs; correction.

SUMMARY: On March 19, 2008, HUD published its Notice of Fiscal Year (FY) 2008 Notice of Funding Availability (NOFA); Policy Requirements and General Section to HUD's FY2008 NOFAs for Discretionary Programs (General Section). On May 12, 2008, HUD published its FY2008 SuperNOFA, for HUD's Discretionary Grant Programs. This document corrects the hourly rate for consultants as published in the March 19, 2008, General Section. This document also makes corrections or clarifications to the following sections of the May 12, 2008, SuperNOFA: Appendix A of the Introduction to the SuperNOFA, the Lead-Based Paint Hazard Control Grant Program, Lead Hazard Reduction Demonstration Grant Program, and Operation Lead Elimination Action Program; the Lead Outreach Grant Program; the Housing Choice Voucher Family Self-Sufficiency Program; the Resident Opportunity and Self-Sufficiency (ROSS) Service Coordinators Program; and the Self-Help Homeownership Opportunity Program (SHOP). Finally, this notice provides notice to all applicants regarding a technical issue with the Grants.gov SF–424 form and provides guidance to address the issue.

DATES: The application submission dates for the Lead-Based Paint Hazard Control Grant Program, Lead Hazard Reduction Demonstration Grant Program, and Operation Lead Elimination Action Program NOFA, the Lead Outreach Grant Program NOFA, and the Resident Opportunity and Self-Sufficiency (ROSS) Service Coordinators Program NOFA remain as published in the **Federal Register** on May 12, 2008. The deadline date for the Housing Choice Voucher Program has been moved to July 16, 2008. The deadline date for the Self-Help Homeownership Opportunity Program (SHOP) has been moved to July 18, 2008.

FOR FURTHER INFORMATION CONTACT: Questions regarding the General Section of March 19, 2008, should be directed to the NOFA Information Center between the hours of 10 a.m. and 6:30 p.m. Eastern Time at (800) HUD–8929. Hearing-impaired persons may call 800–HUD–2209. For the programs listed in this notice, please contact the office or individual listed under section VII of the applicable program sections of the SuperNOFA, published on May 12, 2008.

SUPPLEMENTARY INFORMATION: On March 19, 2008 (73 FR 14882), HUD published its Notice of Fiscal Year (FY) 2008 Notice of Funding Availability (NOFA); Policy Requirements and General Section to HUD's FY2008 NOFAs for Discretionary Programs (General Section). Early publication of the General Section was intended to provide prospective applicants additional time to become familiar with and address those provisions in the General Section that constitute part of almost every application. On May 12, 2008 (73 FR 27032), HUD published its Notice of HUD's Fiscal Year (FY) 2008 SuperNOFA for HUD's Discretionary Grant Programs. The FY 2008 SuperNOFA announced the availability of approximately $1.02 billion in HUD assistance. This notice published in today's **Federal Register** corrects the hourly rate for consultants as published in the March 19, 2008, General Section. This notice also makes technical corrections to the following sections of the May 12, 2008, SuperNOFA: Appendix A of the Introduction to the SuperNOFA; the Lead-Based Paint Hazard Control Grant Program, Lead Hazard Reduction Demonstration Grant Program, and Operation Lead Elimination Action Program; the Lead Outreach Grant Program; the Housing Choice Voucher Family Self-Sufficiency Program; the Resident Opportunity and Self-Sufficiency (ROSS) Service Coordinators Program; and the Self-Help Homeownership Opportunity Program (SHOP). This notice also provides notice to all applicants regarding a technical issue with the Grants.gov SF–424 form in the funding opportunity Application Package and provides guidance to address the issue.

I. Correction of General Section

On March 19, 2008 (73 FR 14882), HUD published its General Section. At page 14887, section III.C.4.l., second column, HUD stated that the hourly wage for the equivalent of General Schedule 15, Step 10 base pay rate is $57.90. The correct hourly rate for the equivalent of General Schedule 15, Step 10 base pay rate is actually $59.42.

Accordingly, at page 14887, section III.C.4.l., second column, in the March

19, 2008, Notice of HUD's FY2008, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Grant Programs, the following correction is made:

1. *Salary Limitation for Consultants.* FY2008 funds may not be used to pay or to provide reimbursement for payment of the salary of a consultant, whether retained by the federal government or the grantee, at a rate more than the equivalent of General Schedule 15, Step 10 base pay rate for which the annual rate for FY2008 is $124,010. The hourly rate is $59.42.

II. Summary of Technical Corrections

On May 12, 2008, HUD published its FY2008 SuperNOFA. Today's publication corrects certain sections of the SuperNOFA. Summaries of the technical corrections made by this document follow. The page number shown in brackets identifies where the individual funding availability announcement that is being corrected can be found in the May 12, 2008, SuperNOFA. The technical correction described in today's **Federal Register** will also be reflected in the application instructions located on Grants.gov/Apply. Applicants who have submitted their applications prior to this publication can choose to resubmit an updated application that reflects the corrections and clarifications. The last application received and validated by Grants.gov by the deadline date will be the application that is reviewed and rated.

Introduction to the SuperNOFA—Appendix A [27035]

As discussed in this technical correction notice, HUD is moving the application deadline dates for the Housing Choice Voucher Family Self-Sufficiency and SHOP NOFAs. The new deadline date for the Housing Choice Voucher Family Self-Sufficiency NOFA will be July 16, 2008. The new deadline date for the SHOP NOFA will be July 18, 2008. HUD is, therefore, correcting the entries for the Housing Choice Voucher Family Self-Sufficiency Program and the SHOP NOFAs on Appendix A to reflect these changes.

Lead-Based Paint Hazard Control Grant Program, Lead Hazard Reduction Demonstration Grant Program, and Operation Lead Elimination Action Program [27159]

On page 27161, Section I.B.4., first column, and on page 27168, Section IV.F.2, first column, the deadline date for applicants to request a waiver of the 25 percent match requirement does not match the date posted on Grants.gov. HUD is correcting the deadline date to request a waiver in the SuperNOFA to match that listed on Grants.gov.

Lead Outreach Grant Program [27188]

On page 27189, Section II entitled ''Eligibility Information'', third column, HUD inadvertently identified this section as section ''II.'' It should be section ''III.''

On page 27190, section III entitled ''application and submission information'', second column, HUD inadvertently identified this section as section ''iii.'' it should be section ''iv.''

On page 27191, section v.a, third column, HUD incorrectly cross-referenced to information discussing threshold requirements and is deleting the incorrect cross-reference.

On page 27193, section V.A.3.e.(3), second column, HUD is correcting the requirement for including a separate budget and budget narrative when sub-grantees receive a portion of the award.

These corrections are also reflected in the instructions found on Grants.gov/Apply. Applicants must download the instructions to receive all forms and instructions related to this NOFA. Applicants are encouraged to read the instructions on Grants.gov/Apply prior to submitting your application in response to the Lead Outreach Program funding opportunity.

Housing Choice Voucher Family Self-Sufficiency (FSS) Program [27210]

On page 27211, paragraph F under ''Overview Information'', first column, as discussed in this notice, HUD is moving the deadline date for applications to July 16, 2008.

On page 27213, section III.C.3.g. entitled ''Affirmatively Furthering Fair Housing'', HUD is revising the timeline for applicants to submit their plans to affirmatively further fair housing (AFFH). Specifically, HUD is changing the date for applicants to submit this plan from prior to the application date to prior to the award of funding. This extension is required because implementation of an AFFH policy for the FSS program trigger a 45-day public comment period for the proposed AFFH policy followed by board approval of the policy prior to submission to HUD. The original application deadline did not allow sufficient time for PHAs to complete the steps required for approval and submission of their AFFH statements.

These corrections are also reflected in the instructions found on Grants.gov/Apply. Applicants must download the instructions to receive all forms and instructions related to this NOFA. Applicants are encouraged to read the instructions on Grants.gov/Apply prior to submitting your application in response to the Housing Choice Voucher Family Self-Sufficiency Program funding opportunity

Resident Opportunity and Self-Sufficiency Coordinators Program [27230]

On page 27230, section I.B.1, third column, HUD is clarifying for applicants how the number of occupied units should be counted in order to determine the number of positions for which an applicant may apply.

On page 27232, section II.C.1.a., third column, HUD is noting that more than one person may job-share a Service Coordinator position.

On page 27239, section V.B.2., first column, entitled ''Selection Process for all Grant Categories and All Applicants,'' HUD is clarifying that all Resident Association applicants, even those that apply as nonprofits, must have a contract administrator.

These corrections are also reflected in the instructions found on Grants.gov/Apply. Applicants must download the instructions to receive all forms and instructions related to this NOFA. Applicants are encouraged to read the instructions on Grants.gov/Apply prior to submitting your application in response to the Resident Opportunity and Self-Sufficiency Coordinators Program funding opportunity.

Self-Help Homeownership Opportunity Program [27250]

On page 27250, section F under ''Overview Information,'' first column, HUD is moving the deadline date for the SHOP NOFA to July 18, 2008.

On page 27253, section III.C.4.e., first column, HUD is clarifying the requirement for applicants to reduce energy costs.

On page 27254, section VI.C., second column entitled, ''Submission Date and Time,'' HUD is moving the deadline date for the SHOP NOFA to July 18, 2008.

On page 27256, under ''Submission Requirements for Rating Factor 3,'' section d., third column entitled ''Cost Effective to the Homebuyer,'' HUD is clarifying the requirement for applicants to disclose the contract sales price to the homebuyer and the appraised or market value of the home.

On page 27258, section V.A.5, second column entitled, ''Rating Factor 5. Achieving Result and Program Evaluation (10 points),'' HUD is clarifying that applicants should include actual or estimated costs for utilities and any applicable

homeownership association fee when comparing total housing costs of new self-help units to previous rents.

On page 27258, section V.A.5, third column entitled ''Submission Requirements for Rating Factor 5,'' HUD is revising this section to advises applicants that HUD has developed and posted on Grants.gov a revised eLogic Model form that incorporates the revision to Rating Factor 5 that instructs applicants to include actual or estimated utility and other costs. HUD encourages applicants to download and use the revised eLogic Model.

These corrections are also reflected in the instructions found on Grants.gov/Apply. Applicants must download the instructions to receive all forms and instructions related to this NOFA. Applicants are encouraged to read the instructions on Grants.gov/Apply prior to submitting your application in response to the Self-Help Homeownership Opportunity Program funding opportunity.

Accordingly, in the May 12, 2008, Notice of HUD's FY2008 SuperNOFA for HUD's Discretionary Grant Programs, beginning at 73 FR 27032, the following corrections are made.

1. Introduction to the SuperNOFA—Appendix A Beginning at Page 27035

At page 27035, as discussed in this notice, HUD is moving the deadline date for the Housing Choice Voucher Family Self-Sufficiency Program to July 16, 2008. HUD is also moving the deadline date for the SHOP NOFA to July 18, 2008. As a result, the entries for the Housing Choice Voucher Family Self-Sufficiency Program and SHOP NOFA on Appendix A at page 27035 should read as follows:

Programs included in the FY2008 SuperNOFA	Approximate funding amounts available	Application deadline (All applications must be received and validated by Grants.gov no later than 11:59:59 p.m., eastern time on the application deadline date. See details in the General Section.)
Housing Choice Voucher Family Self-Sufficiency (FSS) Program. CFDA No: 14,871 OMB Approval No.: 2577–0178	$49,000,000	July 16, 2008.
Self-Help Homeownership Opportunity Program (SHOP). CFDA No: 14,247 OMB Approval No.: 2506–0157	26,500,000	July 18, 2008.

2. Lead-Based Paint Hazard Control Grant Program, Lead Hazard Reduction Demonstration Grant Program, and Operation Lead Elimination Action Program [27159]

On page 27161, Section I.B.4., first column, HUD is correcting this section to read as follows:

4. Applicants to the LHRD grant program may request a waiver of the 25 percent match requirement, if the applicant submits a request that meets HUD's criteria. See unit III.B.2, Eligibility Information, below. The request for the waiver of the match, with supporting narrative and documentation, must be submitted in accordance with unit IV.F.2, below, to be received no later than June 23, 2008.

On page 27168, section IV.F.2, first column, HUD is correcting this section to read as follows:

2. Lead Hazard Reduction Demonstration Grant Program match waiver. Lead Hazard Reduction Demonstration Grant Program applicants requesting a waiver from the 25 percent match requirement are required to submit a request by e-mail. LHRD match waiver requests must be submitted no later than 11:59 pm on June 23, 2008, and should be submitted to Jonnette Hawkins, Director, Programs Division, Office of Healthy Homes and Lead Hazard Control, at *Jonnette.G.Hawkins@hud.gov*. HUD will respond to the LHRD match waiver requests by e-mail no later than July 2, 2008, and, if a mailing address is provided in a request, by letter within 5 working days thereafter.

3. Lead Outreach Grant Program Beginning at Page 27188

On page 27189, Section II entitled ''Eligibility Information'', third column, is corrected to read as follows:

III. Eligibility Information

On page 27190, section III entitled ''Application and Submission Information'', second column, is corrected to read as follows:

IV. Application and Submission Information

On page 27191, section V.A, third column, HUD is correcting this paragraph to read as follows:

A. *Criteria.* Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described in this NOFA. The application must receive a total score of at least 75 points to be considered for funding.

On page 27193, section V.A.3.e.(3), second column, HUD is correcting this section to read as follows:

(3) Include a separate budget (HUD–424–CBW) and budget narrative for any sub-grantee receiving more than 10 percent of total budget request.

4. Housing Choice Voucher Family Self-Sufficiency (FSS) Program beginning at page 27210

On page 27211, paragraph F under ''Overview Information'', first column, is corrected to read as follows:

F. *Dates:* The application deadline date is July 16, 2008. Please see the General Section for timely receipt requirements.

On page 27213, section III.C.3.g. entitled ''Affirmatively Furthering Fair Housing,'' HUD is revising the second sentence of this paragraph to read as follows:

Prior to the award of funding under this NOFA, each applicant must submit to the public housing director in the applicant's local HUD field office an addendum to the applicant's HCV administrative plan that outlines reasonable steps the applicant will take to affirmatively further fair housing in its HCV FSS program and how it will maintain records of those steps and their impacts.

5. Resident Opportunity and Self-Sufficiency Coordinators Program Beginning at Page 27230

On page 27230, section I.B.1, third column, HUD is correcting this paragraph to read as follows:

1. *For PHA and Tribe/TDHE applicants*, the number of positions is determined by number of ACC units. PHAs must use the number of occupied

conventional public housing units as of September 30, 2007. Tribes/TDHEs must use the number of units counted as Formula Current Assisted Stock for FY 2007 as defined in 24 CFR 1000.316. Tribes that have not previously received funds from the Department under the U.S. Housing Act of 1937 should count housing units under management that are owned and operated by the Tribe and that are identified in their housing inventory as of September 30, 2007. Applicants may apply for up to 3 Service Coordinators depending on the size and type of the applicant. Program ratio for number of eligible Service Coordinators is in the table above under ''Award Amounts.''

On page 27232, section II.C.1.a., third column, correcting this section to read as follows:

a. Salaries and fringe benefits of one or more Service Coordinators. A part-time Service Coordinator may be retained where appropriate, however, the minimum units served remains the same. One or more PHAs may share a full-time position if that is deemed most appropriate for the applicant's program. More than one person may job-share a Service Coordinator position. Although the exact role for the SC shall be designed to meet the needs of the project's community, below is a listing of recommended functions for an SC:

On page 27239, section V.B.2., first column, entitled ''Selection Process for all Grant Categories and All Applicants, HUD is correcting this section to read as follows:

2. Selection Process for All Grant Categories and All Applicants. All qualified applications will be awarded based on a lottery. Per statute, twenty-five percent (25%) of funds will be set aside for Resident Associations and all qualifying Resident Association applications will be funded first, up to 25 percent of the funding amount. Even if applying as non-profits, state, national, and other incorporated non-profit Resident Associations will be included in this set-aside. To be included in this Resident Association Category, you must indicate your status on the HUD–52768. If an applicant indicates that they are a resident council for the purposes of this lottery designation, they must also supply a contract administrator partner agreement, even if applying as a nonprofit applicant. If there are more qualified resident organizations than 25% of the available funding, there will be an initial lottery for all resident organizations, then the remaining resident organizations will be put together with the rest of the qualified applicants for a second general lottery.

6. Self-Help Homeownership Opportunity Program Beginning at Page 27250

On page 27250, section F under ''Overview Information,'' first column, HUD is moving the deadline date for the SHOP NOFA to July 18, 2008, therefore, this section is corrected to read as follows:

F. *Dates:* The application deadline date for electronic submission and validation in Grants.gov is July 18, 2008. Applications submitted through *http://www.grants.gov* must be received and validated by Grants.gov no later than 11:59:59 Eastern time on the application deadline date. The validation process may take up to 72 hours.

On page 27253, section III.C.4.e., first column, HUD is clarifying the requirement for applicants to reduce energy cost to read as follows.

e. *Reduce Energy Costs.* Applicants are required to take specific energy-saving actions. In the new construction of self-help housing, SHOP applicants must incorporate energy-efficiency measures in the design and construction of self-help housing units. All newly constructed units assisted with SHOP funds provided under this NOFA must qualify and receive Energy Star Certification by an independent Home Energy Rater (HER) upon completions and only Energy Star labeled products and appliances may be used in these units.

On page 27254, section VI.C., second column entitled, ''Submission Date and Time,'' HUD is moving the deadline date for the SHOP NOFA to July 18, 2008, therefore, this section is corrected to read as follows:

C. Submission Date and Time

The electronic application must be *received and validated* no later than 11:59:59 p.m. Eastern time by Grants.gov on the application deadline date, which is July 18, 2008. The validation process may take 24–48 hours. Applicants are advised to submit applications 72 hours in advance. By doing so, if your application fails validation and Grants.gov rejects the application, you have time to correct the noted problems prior to the deadline date. If an applicant is granted a waiver to the electronic application submission requirement, the application must be received at HUD Headquarters by the application deadline date (see General Section).

On page 27256, under ''Submission Requirements for Rating Factor 3,'' section d., third column entitled ''Cost Effective to the Homebuyer,'' HUD is clarifying the requirement for applicants to disclose the contract sales price to the homebuyer and the appraised or market value of the home to read as follows:

d. *Cost Effective to the Homebuyer (7 points).* State how the sales price for SHOP-assisted units is established (provide a table outlining separate costs for land purchase and infrastructure improvements paid by the affiliate; land and infrastructure improvements charged to the homebuyer; construction and project-related soft costs, such as architectural, engineering and related professional services; and any other costs charged to the homebuyer including 2nd or additional mortgages that must be repaid by the homebuyer upon sale of the property). You must include in the table the contract sales price to the homebuyer and the appraised or market value. You *must demonstrate* the extent to which the investment of SHOP funds, the contribution of sweat equity and volunteer labor, donations (e.g., land or building materials), in-kind contributions, and financing subsidies, further reduce the sales price to the homebuyer below the appraised value of the house or market value of comparable housing in the neighborhood. This must be demonstrated for homebuyers receiving both USDA and non-USDA construction assistance. Applicants showing a larger reduction of the sales price to the homebuyer from the appraised or market value as a result of the use of the SHOP funds for costs that are not charged to the homebuyer, the SHOP homebuyer's sweat equity, volunteer labor, and other contributions and subsidies not repaid by the homebuyer will receive a higher score.

On page 27258, section V.A.5, second column entitled, ''Rating Factor 5. Achieving Result and Program Evaluation (10 points),'' HUD is revising the first paragraph of this section to read as follows:

5. *Rating Factor 5. Achieving Results and Program Evaluation (10 points)*

This factor emphasizes HUD's determination to track whether applicants meet commitments made in their applications. HUD requires SHOP applicants to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining whether goals have been met using the Master Logic Model for SHOP, which can be found in the download instructions portion at *http://www.grants.gov/applicants/apply_for_grants.jsp*. Applicants must clearly identify the ''Outputs'' and ''Outcomes'' to be achieved and measured. Completed newly constructed or rehabilitated self-help housing units are outputs.

Outcomes are benefits accruing to the families and/or communities during or after participation in SHOP. Examples of outcomes include increasing the homeownership rate in a neighborhood or among low-income families by a certain percentage, increasing the property tax base by a certain value, or increasing housing stability (e.g., increasing assets of the low-income homebuyer households by creating household equity or reducing total housing costs compared to rents that SHOP participants previously paid. When comparing the total housing costs of new self-help housing units to rents previously paid by homebuyers, applicants should include actual or estimated costs of utilities for the rental units and any applicable homeowner association fees and estimated utilities for the new housing units.) during and beyond the grantee's period for reporting on property completions. See Reporting in section VI.C. In addition, applicants must establish interim benchmarks for which outputs lead to the ultimate achievement of outcomes. ''Interim benchmarks'' are steps or stages in your activities that, if reached or completed successfully, will result in outputs for your program. Examples of interim benchmarks for SHOP include acquisition of land, completion of infrastructure, identification of income-qualified homebuyers, obtaining building permits, or securing construction materials and equipment.

On page 27258, section V.A.5, third column entitled ''Submission Requirements for Rating Factor 5,'' HUD is revising this section to read as follows:

Submission Requirements for Rating Factor 5

Program Evaluation Plan and Logic Model (10 Points). The FY 2008 application requires submission of a written program evaluation plan and a completed eLogicModel ™. The eLogicModel ™ allows the applicant to select from drop down menus the elements of their program that are captured in the Logic Model. Instructions for the eLogic Model ™ are found in Tab 1 of the form HUD–96011 found in the instructions download to your electronic application. The Master Logic Model listing also identifies the unit of measure that HUD will collect for the output(s) and outcome(s) selected. Applicants must identify a unit of measure and establish a goal for each output and outcome.

HUD has designated mandatory outputs and outcomes that must be addressed by the applicant. For both ''Housing Constructed'' and ''Housing Rehabilitated,'' applicants must address the following five mandatory Outputs: (1) Sweat Equity (hours); (2) Volunteer Labor (hours); (3) Design incorporates energy efficiency measures and Energy Star Standards (units); (4) Policy Priority—Design incorporates universal design (units); and (5) Policy Priority—Design incorporates visitability standards (units).

For both ''New construction'' and ''Rehabilitated units,'' applicants must address the following four mandatory Outcomes: (1) one of the three sets of ''average reduced sales price'' from 1–10 % (dollars and units) or from 11–30% (dollars and units) or greater than 30% (dollars and units)—each set counts as two outcomes; (2) Increased housing stability—average decreased housing costs (dollars); and (3) Increased housing stability—average increased assets in savings (dollars).

HUD has revised the eLogic Model ™ form HUD–96011, Tab 9 labeled ''Outcomes,'' Column 5, Achievement Outcomes Goals and Indicator. Instead of ''percentage,'' the double asterisks (**) footnote should state: ''This is the average dollars of reduced housing costs to the families or increased assets to the families.'' HUD is also clarifying that for the projected outcome ''Increased housing stability—Average increased assets in savings,'' applicants are not asked to report on homebuyers' existing savings. This outcome requires applicants to measure the equity in the units at the time properties are completed and families close on their units. This equity increases any other assets in savings homebuyers may have at the time of closing.

If an applicant's program consists of new construction or rehabilitation, but not both, the five mandatory outputs and four outcomes applicable to the program must be selected. If an applicant's program includes both new construction and rehabilitation, applicant must address all mandatory outputs/outcomes. However, applicants are expected to select additional outputs and outcomes identified in their work plan. Further, interim benchmarks, program indicators, outputs, and outcomes must be quantifiable.

You must summarize your program evaluation plan that measures your own program performance. Your plan must measure the performance of individual consortium members and affiliates, including the standards and measurement methods, and the steps you have in place or how you plan to make adjustments if you begin to fall short of established benchmarks and time frames. Applicants that include both mandatory and optional outputs and outcomes and interim benchmarks, and prepare a written evaluation plan that meets the specified content requirements will receive a higher score. HUD will rate the eLogicModel ™ submission based upon the matrix contained in Attachment 1 to the General Section.

III. Guidance To Address Grants.gov SF–424 Issue

The Department has been informed that applicants have experienced trouble completing the Application for Federal Assistance SF–424 electronic form in the Grants.gov funding opportunity application package. Specifically, the Department has been alerted that if an applicant checks ''No'' to question number 20 (Is the Applicant Delinquent On Any Federal Debt?) and inadvertently places his or her cursor and clicks on the space on page 4 entitled ''Applicant Federal Debt Delinquency Explanation,'' the SF–424 will make the space a mandatory field that is yellow in color. The SF–424 will not allow applicants to enter text in the mandatory field. The reason for this behavior is that Adobe Reader 8.1.1 and 8.1.2 opens with a default with the Text Select Tool pointer (which look like a finger). This default was intended by Adobe Reader. The issue that this causes for Grants.gov forms is that the Text Select Tool, if clicked in a read-only form field will make the field mandatory without any means to fill in text or change it back to read only. As a result, HUD is advising applicants to avoid placing their cursors in the explanation space provided on the form if they check the response to question 20 as ''No.''

If an applicant inadvertently triggers the creation of the mandatory field, the way to clear the form of the problem is to go back to question 20, click the ''Yes'' box and then click the ''No'' box. This brings the form back to the original state and eliminates the explanation field from being a mandatory field. An alternative way to address the issue is to go to the menu bar, select ''Tools,'' select from the drop-down bar ''Select and Zoom'' and then select ''Hand Tool.'' The Grants.gov help desk has been alerted to this issue and can help applicants address this issue.

In addition, applicants are alerted that the form contains edit checks. To avoid a rejection notice, please make sure that dates provided in response to question 17, ''Proposed Project Start and end date,'' are internally consistent and that the project does not end prior to its proposed start date. If an applicant mistakenly provides a project end date that is prior to the start date, the

package will be rejected by Grants.gov due to an internal inconsistency.

HUD again strongly advises applicants to submit their application to Grants.gov 72 hours in advance to the deadline date so that if they receive a rejection error, there is sufficient time for the applicant to cure the problem and resubmit in time to meet the deadline date requirements.

Dated: June 9, 2008.

Keith A. Nelson,

Assistant Secretary for Administration.

[FR Doc. E8–13285 Filed 6–11–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2008–N0087; 40136–1265–0000–S3]

Wolf Island National Wildlife Refuge, McIntosh County, GA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; draft comprehensive conservation plan and environmental assessment; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for Wolf Island National Wildlife Refuge for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the Final CCP.

DATES: To ensure consideration, we must receive your written comments by July 14, 2008. A meeting will be held to present the Draft CCP/EA to the public. Mailings, newspaper articles, and posters will be the avenues to inform the public of the date and time for the meeting.

ADDRESSES: Requests for copies of the Draft CCP/EA should be addressed to: Jane Griess, Project Leader, Savannah Coastal Refuges' Complex, 1000 Business Center Drive, Suite 10, Savannah, Georgia 31405; Telephone: 912/652–4415. The Draft CCP/EA may also be accessed and downloaded from the Service's Internet Site: *http://southeast.fws.gov/planning.* Comments on the Draft CCP/EA may be submitted to the above address or by e-mail to Mr. Randy Williams at: *rwilliams@mangi.com.*

FOR FURTHER INFORMATION CONTACT: Randy Williams; *Telephone:* 985/264–1979.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Wolf Island National Wildlife Refuge. We started the process through a notice in the **Federal Register** on October 30, 2006 (71 FR 63344).

Wolf Island National Wildlife Refuge is approximately 12 miles off the coast of Darien, Georgia, in McIntosh County. It was established on April 3, 1930, to provide protection and habitat for migratory birds. The barrier island refuge consists of Wolf Island and two smaller islands, Egg and Little Egg. More than 75 percent of the refuge's 5,126 acres are composed of saltwater marsh.

Wolf Island National Wildlife Refuge was designated a National Wilderness Area in 1975, and is maintained as such, with its primary purpose being to provide protection for migratory birds and such threatened and endangered species as the loggerhead sea turtle and the piping plover.

Background

The CCP Process

The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act and NEPA.

Significant issues addressed in the Draft CCP/EA include: threatened and endangered species; habitat protection; neotropical migratory birds; conservation of a remnant maritime forest; visitor services (e.g., wildlife observation, wildlife photography, and environmental education and interpretation); funding and staffing; cultural resources; land acquisition; and invasive species management.

CCP Alternatives, Including Our Proposed Alternative

We developed three alternatives for managing the refuge and chose Alternative C as the proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

Alternative A—No Action Alternative

Wolf Island National Wildlife Refuge is part of the Altamaha River Ecosystem and is an important part of the Western Hemisphere Shorebird Reserve Network. As such, the refuge is of significant importance to migrating and wintering shorebirds and has been designated as part of critical habitat for the Great Lakes population of the endangered piping plover. Under Alternative A, management of the refuge would continue at its current level of participation in these initiatives throughout the 15-year duration of the CCP. Current approaches to managing wildlife and habitats, protecting resources, and disallowing public use would remain unchanged.

Wolf Island National Wildlife Refuge, as a designated National Wilderness Area, provides protection for threatened and endangered species, including the loggerhead sea turtle and the piping plover. Due to its status as a Wilderness Area, no public use facilities exist or are planned on the refuge. Although the waters surrounding the refuge are open to a variety of recreational activities, all beach, marsh, and upland areas are closed to the public. Under this alternative, none of the above would change. Current management practices, which are primarily custodial in nature, would continue.

Alternative B—Optimize Biological Program

Under Alternative B, the refuge would strive to optimize its biological program, recognizing that there may be tradeoffs and opportunity costs between the various elements of the biological programs envisioned. Alternative B stresses the principle of optimization rather than maximization of wildlife and habitat outputs.

The refuge would conduct baseline inventorying and monitoring programs with several partners to provide a solid foundation of the current condition of refuge habitat and wildlife. We would continue to furnish benefits to migratory birds and resident wildlife species. We would aim to increase the refuge's knowledge base about shorebirds by developing and implementing

monitoring programs while continuing to provide habitats for the benefit of migratory birds. The refuge would also continue to furnish benefits to federally threatened and endangered species.

Land acquisition and resource protection efforts at Wolf Island National Wildlife Refuge would be intensified. Efforts to control invasive species would commence and efforts would be made to reduce beach erosion. In the Service's Private Lands Program, staff would work with private landowners of adjacent properties to manage and improve habitats. Staff would also explore opportunities with partners to expand land and habitat protection efforts.

The refuge would develop and begin to implement a Cultural Resources Management Plan (CRMP). Until such time as the CRMP is completed and implemented, the refuge would follow standard Service protocols and procedures in conducting cultural resource surveys by qualified professionals in consultation with the Regional Historic Preservation Officer (RHPO) and the State Historic Preservation Officer (SHPO).

Alternative C—Ecosystem Management (Proposed Action)

Under Alternative C, the refuge would practice ecosystem management, recognizing the ecological role of Wolf Island National Wildlife Refuge within the interrelated Altamaha River Basin and coastal barrier island ecosystem. Human activities and natural processes within these ecosystems influence the refuge in a variety of ways. Alternative C explicitly commits the Service to acknowledge these influences and cooperate with other stakeholders in ways that will ensure the continued protection and enhancement of the ecosystem's natural resources.

As with Alternative B, the refuge would strive to optimize its biological program, recognizing that there may be tradeoffs and opportunity costs between the various elements of the biological programs envisioned. However, Alternative C emphasizes a broader ecosystem approach than Alternative B, which is narrowly focused on the refuge.

The refuge would conduct baseline inventorying and monitoring programs with several partners to investigate threats and opportunities within the ecosystem as they may impact refuge goals and objectives. The Service and our partners would continue to furnish benefits to the ecosystem's native flora and fauna under Alternative C. The refuge would also continue to furnish benefits to federally threatened and endangered species.

Under Alternative C, land acquisition and resource protection within the ecosystem would be intensified. Control of invasive species would commence and efforts would be made to reduce beach erosion. Service staff would work with partners to manage and improve habitats within the ecosystem. Staff would also explore opportunities with partners to expand land and habitat protection efforts.

The refuge would develop and begin to implement a CRMP. Until such time as the CRMP is completed and implemented, the refuge would follow standard Service protocol and procedures in conducting cultural resource surveys by qualified professionals in consultation with the RHPO and the SHPO.

Next Step

After the comment period ends, we will analyze the comments and address them in the form of a final CCP and Finding of No Significant Impact.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: April 24, 2008.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E8–13166 Filed 6–11–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14839–A, F–14839–A2; AK–965–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Kongnikilnomuit Yuita Corporation. The lands are in the vicinity of Bill Moores Slough, Alaska, and are located in:

U.S. Survey No. 10963, Alaska.
Containing 5.67 acres.

Seward Meridian, Alaska

T. 33 N., R. 74 W.,
Secs. 2, 10, 11, and 14;
Secs. 15, 22, 23, and 26;
Secs. 27, 34, and 35.
Containing approximately 5,661 acres.

T. 32 N., R. 75 W.,
Secs. 1, 2, 11, and 12;
Secs. 13, 14, and 23;
Containing approximately 4,336 acres.

T. 31 N., R. 76 W.,
Secs. 6, 7, and 10.
Containing approximately 1,800 acres.

T. 31 N., R. 77 W.,
Sec. 1.
Containing approximately 540 acres.

T. 32 N., R. 77 W.,
Secs. 2, 23, and 26.
Containing approximately 1,694 acres.

T. 33 N., R. 77 W.,
Secs. 12 and 36.
Containing approximately 908 acres.
Aggregating approximately 14,944.67 acres.

A portion of the subsurface estate in these lands will be conveyed to Calista Corporation when the surface estate is conveyed to Kongnikilnomuit Yuita Corporation. The remaining lands lie within Clarence Rhode National Wildlife Range, established January 20, 1969. The subsurface estate in the refuge lands will be reserved to the United States at the time of conveyance. Notice of the decision will also be published four times in the Tundra Drums.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until July 14, 2008 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device

(TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Robert Childers,

Land Law Examiner, Land Transfer Adjudication II.

[FR Doc. E8–13172 Filed 6–11–08; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability for the Draft Elk Management Plan and Environmental Impact Statement for Wind Cave National Park, South Dakota

AGENCY: National Park Service.

ACTION: Notice of Availability for the Draft Elk Management Plan and Environmental Impact Statement for Wind Cave National Park, South Dakota.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the National Park Service (NPS) announces the availability of a draft Elk Management Plan and Environmental Impact Statement (EIS) for Wind Cave National Park, South Dakota (Park).

DATES: The draft EIS will remain available for public review for 60 days following the publishing of the notice of availability in the **Federal Register** by the U.S. Environmental Protection Agency. Public meetings will be held during the 60-day review period, but the specific dates and locations will be announced in local and regional media sources of record and on the Park's Web site.

You may submit your comments by any one of several methods. You may comment via the Internet through the NPS Planning, Environment, and Public Comment Web site (*http://parkplanning.nps.gov/wica*); simply click on the link to Elk Management Plan. You may mail comments to Superintendent Davila, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs, South Dakota 57747–9430. You may send comments to the Superintendent by facsimile at 605–745–4207. Finally, you may hand-deliver comments to the Park headquarters at the address above.

ADDRESSES: Copies of the draft EIS are available from the Superintendent, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs, South Dakota 57747–9430.

SUPPLEMENTARY INFORMATION: The Park is proposing to manage its elk population, primarily to prevent impacts to other natural resources in the park, which would occur as the herd size increases. The principal tool the Park had been using to keep population numbers in line with its historic management goals, translocation of live elk, is no longer an option because chronic wasting disease (CWD) is present in the elk population. Therefore, this planning process and the EIS were needed to examine alternatives to translocation. The purpose of this EIS is to identify elk management strategies for the Park that will help achieve elk population levels that are in balance with other native species in the Park, including wildlife and vegetation communities, natural ecosystem functions, and other Park resources.

Several alternative actions, including the No Action, were considered in the development of the draft EIS. These are summarized briefly here. Other alternatives were explored but dismissed; these are discussed in some detail in the draft EIS.

- Alternative A—No Action: No new management actions beyond those utilized as of the commencement of the EIS analysis would be undertaken to manage elk.
- Alternative B (Preferred)—Hunting Outside the Park: Wildlife ''gates'' would be installed along the boundary fence to allow elk but not bison movement. The gates would be closed during hunting seasons to minimize elk reentry into the Park. Hazing may be used to ensure the appropriate number of elk leave the Park.
- Alternative C—Roundup/Live Ship or Euthanasia within Park: The preferred method in this alternative is capture elk and ship them for slaughter and donation, assuming a partner(s) can be found to be responsible for the transport, slaughter/processing and donation of meat. Donations would be in accordance with the NPS Public Health Program guidelines and no CWD-positive carcasses would be donated. If no partner can be found, the elk would be killed at the park and the carcasses incinerated.
- Alternative D—Sharpshooting: Authorized agents (which include skilled volunteers) would reduce and maintain elk numbers in the Park. Carcasses would be removed from the backcountry and incinerated, or left in place if managers believe their breakdown is environmentally preferred. The CWD test samples will be taken from adult carcasses.

The following alternatives (E and F) are analyzed solely for maintenance of the elk population after initial reduction. At this time, the use of these methods not been proven through science to effectively manage wildlife populations. The park would not use either of these alternatives unless future scientific studies prove these methods to be effective and efficient means of elk population control, and the preferred and adaptive management efforts fail to maintain elk population within the target range. Should this occur alternatives B and F may be carried out as follows.

- Alternative E—Sterilization: Reproductive cow elk would be surgically sterilized to reduce recruitment and growth of the herd. Because these techniques have not been used on free-ranging elk, this option would be used to maintain target population after initial reduction efforts. Sterilized cows would be marked (ear tag, freeze branding, etc.) to reduce the risk of these animals being hunted outside the Park or recaptured for sterilization inside the Park.
- Alternative F—Fertility Control Agents: Cow elk would be treated with chemical fertility control agents to limit calving. It is considered a population maintenance tool after initial reduction efforts. No chemical contraceptives meeting Park needs are currently available; however, future agents may become available and would be considered for use if they are: Effective with a single treatment, at least 85 percent effective, have appropriate approvals and certifications, safe for treated animals, without recognizable behavioral effects, safe for non-target animals, and effective for more than 1 year.

FOR FURTHER INFORMATION CONTACT: Contact Superintendent Davila at the address above or by telephone at 605–745–4600.

Before including your address, telephone number, electronic mail address, or other personal identifying information in your comments, you should be aware that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will make all submissions from organizations or businesses, from individuals identifying themselves as representatives or officials, of organizations or businesses, available for public inspection in their entirety.

Dated: June 2, 2008.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. E8–12992 Filed 6–11–08; 8:45 am]

BILLING CODE 4312–AC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare a General Management Plan/Environmental Impact Statement for Jefferson National Expansion Memorial, Missouri

AGENCY: National Park Service, DOI.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) is preparing a General Management Plan/Environmental Impact Statement (GMP/EIS) for Jefferson National Expansion Memorial (Memorial). The GMP/EIS will prescribe the resource conditions and visitor experiences that are to be achieved and maintained at the Memorial over the next 15 to 20 years.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the GMP/EIS and obtain suggestions and information from other Agencies and the public on the scope of issues to be addressed in the GMP/EIS. Comments and participation in this scoping process are invited. Participation in the planning process will be encouraged and facilitated by various means, including newsletters and public meetings. The NPS will conduct public scoping meetings to explain the planning process and to solicit opinion about issues to address in the GMP/EIS. Notification of all such meetings will be announced in the local press and in the NPS newsletters.

ADDRESSES: If you wish to comment on any issues associated with the GMP/EIS, you may submit your comments by any one of several methods. You may mail or hand-deliver comments to the Superintendent, Jefferson National Expansion Memorial, 11 North 4th Street, St. Louis, Missouri 63102. You also may provide comments electronically by entering them into the NPS's Planning, Environment, and Public Comment Web site *http://parkplanning.nps.gov.* Information will be available for public review and comment from the Office of the Superintendent at the above address.

Requests to be added to the project mailing list should be sent by mail to Superintendent, Jefferson National Expansion Memorial, 11 North 4th Street, St. Louis, Missouri 63102, by telephone 314–655–1700 or by electronic mail (e-mail) to *JEFF_Superintendent@nps.gov*.

Before including your address, telephone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comments (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will make all submissions from organizations or businesses, from individuals identifying themselves as representatives or officials, or organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Superintendent, Jefferson National Expansion Memorial, 11 North 4th Street, St. Louis, Missouri 63102, by telephone 314–655–1700.

SUPPLEMENTARY INFORMATION: The Memorial consists of the Gateway Arch and its surrounding grounds, the Museum of Westward Expansion, and St. Louis' Old Courthouse. During a nationwide competition in 1947–48, architect Eero Saarinen's inspired design for a 630-foot stainless steel arch was chosen as a perfect monument to the spirit of the western pioneers. The grounds were designed by landscape architect Dan Kiley, with significant input from Saarinen. With the collaboration of two great designers, the Arch and its grounds became merged, with one reflecting the other, achieving a landscape both modern and unique. In 1987, the Gateway Arch and its surrounding grounds were designated a National Historic Landmark.

The Museum of Westward Expansion, located below the Arch, contains an extensive collection of artifacts, mounted animal specimens, an authentic American Indian tipi, and an overview of the Lewis and Clark expedition.

Located just two blocks west of the Arch is the Old Courthouse, one of the oldest standing buildings in St. Louis, begun in 1839. It was here that the first two trials of the Dred Scott case were held in 1847 and 1850. Today, the building houses a museum charting the history of the city of St. Louis and restored courtrooms.

The GMP/EIS will prescribe the resource conditions and visitor experiences that are to be achieved and maintained in the Memorial over the next 15 to 20 years. The clarification of what must be achieved according to law and policy will be based on review of the unit's purpose, significance, special mandates, and the body of laws and policies directing park management. Based on determinations of desired conditions, the GMP/EIS will outline kinds of resource management activities, visitor activities, and appropriate future development. A range of reasonable management alternatives will be developed through this planning process and will include, at a minimum, a no-action alternative and a preferred alternative. To facilitate sound analysis of environmental impacts, the NPS is gathering information necessary for the preparation of an associated EIS.

The types of changes considered under the GMP/EIS process would include accessible walkways to the underground visitor center and museum, and to the grounds from the riverfront. The plan would also examine a pedestrian walkway over Memorial Drive and the Interstate Highway that would connect the Arch grounds to the grounds near the Old Courthouse. Such a walkway could allow visitors to move from downtown to the Arch more safely. Streetscape changes (plantings, pedestrian access changes) would be considered to make the environment surrounding the Memorial more inviting and visitor friendly. Minor modifications could be made to the interior of the Old Court House, and wayside exhibits added to the grounds to enhance the visitor experience and learning at the Memorial. Expansion of the existing museum space or modifications to other existing facilities would be considered to provide greater learning and interpretative services. Consideration would also be given to the addition of food service (temporary/seasonal/portable self-contained refreshment vendors), restrooms, modified security checkpoints, and other changes suggested in the past by the public.

Dated: May 8, 2008.

David N. Given,

Acting Regional Director, Midwest Region.

[FR Doc. E8–13187 Filed 6–11–08; 8:45 am]

BILLING CODE 4312–AW–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–08–015]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 19, 2008 at 2 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Agenda for future meetings: none.

2. Minutes.

3. Ratification List.

4. Inv. No. 731–TA–991 (Review) (Silicon Metal from Russia)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 30, 2008.)

5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 10, 2008.

By order of the Commission.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E8–13306 Filed 6–11–08; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Resource Conservation and Recovery Act (RCRA)

Notice is hereby given that on June 6, 2008, a proposed Settlement Agreement was lodged in the United States District Court for the Southern District of Texas in *United States of America* v. *Encycle/Texas, Inc. and Asarco Inc.*, No. H–99–1136. The Settlement Agreement is among the United States on behalf of the Environmental Protection Agency, the State of Texas on behalf of the Texas Commission on Environmental Quality, Debtors Asarco LLC and Encycle/Texas, Inc., and the Bankruptcy Trustee for Encycle/Texas, Inc. and relates to the Encycle Site, a facility in Corpus Christi, Texas, located at 5500 Up River Road, Corpus Christi, Nueces County, Texas. The proposed Settlement Agreement previously was approved by the United States Bankruptcy Court for the Southern District of Texas in *In re ASARCO LLC*, No. 05–21207, and *In re Encycle/Texas, Inc.*, No. 05–21304, by Orders dated May 7, 2008 and May 8, 2008. The settlement agreement requires the approval of the U.S. District Court for the Southern District of Texas of modification of a Consent Decree under the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901, *et seq.*, entered in October 1999, and amended in August 2004, in *United States* v. *Encycle/Texas, Inc., and Asarco, Inc.*, No. H–99–1136.

Among other things, the Settlement Agreement provides that the United States, the State of Texas and the Encycle Trustee will receive a combined allowed general unsecured claim against ASARCO LLC in the amount of $10 million. Proceeds distributed on account of that allowed claim must be used by the Encycle Trustee to perform RCRA closure and corrective action requirements at the Encycle Facility pursuant to the terms of the Consent Decree and other work required under applicable environmental law at the Site.

The Department of Justice will receive comments relating to the proposed Settlement Agreement for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, United States Department of Justice, Washington, DC 20044–7611, and should refer to *In re Encycle/Texas, Inc.*, DJ Ref. No. 90–7–1–910/4. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Agreement may be examined at the office of the United States Attorney for the Southern District of Texas, 919 Milam, Suite 1500, Houston, Texas 77002, and at the United States EPA's Region VI office at 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. During the public comment period, the proposed Agreement may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html*. In addition, a copy of the proposed Agreement may be obtained by mail from the Consent Decree Library, P.O. Box 7611, United States Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Ms. Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. 202–514–0097, phone confirmation number 202–514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8–13156 Filed 6–11–08; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before July 14, 2008. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means: Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740–6001. E-mail: *requestschedule@nara.gov.* FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1539. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1228.24(b)(3).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1–AU–08–2, 2 items, 2 temporary items). Records relating to materiel release, fielding, and transfer, including materiel type classification documentation, milestone decision memorandums, and documents verifying materiel safety, suitability, and supportability requirements.

2. Department of the Army, Agency-wide (N1–AU–08–3, 2 items, 2 temporary items). Records relating to the Integrated Logistics Support program, including materiel development supporting strategies, supporting analysis, and documents on analytical support concepts, design trade-offs, and personnel requirements.

3. Department of Homeland Security, Domestic Nuclear Detection Office (N1–563–08–13, 8 items, 8 temporary items). Records collected on spikes in radiation levels above accepted thresholds across the nation, reports, letters to vendors, assessments, and case files created and maintained to evaluate nuclear detection equipment and systems. The significant activities of this office are documented in executive level records such as strategic plans and annual reports, which were previously approved for permanent retention.

4. Department of Homeland Security, Office of the Chief Procurement Officer (N1–563–08–8, 8 items, 6 temporary items). Acquisition alerts, reviews of proposed acquisition regulations, listings of contracting opportunities, applications and approvals of waivers and deviations, and lists of contractors debarred and suspended from contracting with the agency. Proposed for permanent retention are the agency acquisition manual and acquisition regulations.

5. Department of Homeland Security, Science and Technology Directorate (N1–563–07–20, 4 items, 2 temporary items). National interoperability baseline survey records and interoperability case study records relating to non-significant events. Proposed for permanent retention are interoperability case study records relating to significant events and scientific publications assessing chemical and biological threats to homeland security.

6. Department of the Interior, Bureau of Reclamation (N1–115–08–8, 1 item, 1 temporary item). Master files of an electronic information system that makes available commonly used geospatial data themes for a variety of bureau programs. The proposed disposition instructions are limited to electronic records.

7. Department of Justice, Criminal Division (N1–60–08–17, 1 item, 1 temporary item). Master file for the Witness Security Tracking system, which tracks information on applicants and individuals accepted into the Federal Witness Security Program.

8. Department of Justice, Criminal Division (N1–60–08–18, 1 item, 1 temporary item). Master file for the Phonelog Tracking system, which records details of phone calls made and received by attorneys in advisory capacities.

9. Department of Justice, Justice Management Division (N1–60–08–2, 1 item, 1 temporary item). Master file for the Consolidated Debt Collection System, which tracks records of civil and criminal debts referred by agencies to the Department of Justice for litigation and enforcement.

10. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (N1–436–08–3, 2 items, 2 temporary items). Inputs and master file of the Explosives Catalog System, which stores and retrieves identifying information on explosive products.

11. Department of Justice, Federal Bureau of Investigation (N1–5–08–15, 1 item, 1 temporary item). This schedule requests authority to destroy cases 29J–BF–32354 and 29C–MP–56276, which pertain exclusively to the investigation of the captioned individuals. This request responds to a Federal Pre-Trial Diversion Program court order to delete the records of the captioned individuals.

12. Department of Justice, Federal Bureau of Investigation (N1–65–08–16, 1 item, 1 temporary item). This schedule requests authority to destroy case 265A–SI–52450, which pertains exclusively to the investigation of the captioned individual. This request responds to a Federal Pre-Trial Diversion Program court order to delete the records of the captioned individual.

13. Department of the Navy, Naval Meteorology and Oceanography Command (N1–NU–07–7, 20 items, 17 temporary items). Scientific data and other records relating to all phases of oceanographic, meteorological, and hydrographic functions. Proposed for permanent retention are primary program records at specific command levels, weather phenomena records, and information products.

14. Department of the Navy, United States Marine Corps (N1–NU–07–9, 1 item, 1 temporary item). Master file associated with an electronic information system that tracks claims for Marine Corps service members who experience a serious traumatic injury. The proposed disposition instructions are limited to electronic records.

15. Department of State, Bureau of Consular Affairs (N1–59–08–6, 5 items, 4 temporary items). Calendars, reading files, and e-mail files created and maintained by the bureau front office. Proposed for permanent retention are subject files. The proposed disposition instructions for subject files are limited to paper records.

16. Department of State, Bureau of South and Central Asian Affairs (N1–59–08–9, 7 items, 4 temporary items). Subject files, background files, copies of briefing books, and departmental task force/working group files. Proposed for permanent retention are bureau-level task force/working group files, geographic office briefing books, and unique collections of records documenting historically significant events within the geographic region covered by the bureau. The proposed disposition instructions for permanent items are limited to paper records.

17. Department of the Treasury, Internal Revenue Service (N1–58–08–11, 1 item, 1 temporary item). Internal Revenue Form 11370, Certification of Annual UNAX Awareness Briefing, used to document employee attendance at disclosure briefings.

18. Department of the Treasury, Internal Revenue Service (N1–58–08–12, 1 item, 1 temporary item). Internal Revenue Form 13592, Receipt and Control Final Candling Log, used to validate and record documents and/or remittances left inside envelopes after extractions have occurred.

19. Environmental Protection Agency, Agency-wide (N1–412–07–60, 9 items, 9 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to records of the Office of Air and Radiation, regardless of recordkeeping medium. The records include radon action files, radiation facility and site files, radiological emergency planning files, certification of waste isolation pilot plant files, emergency planning program for radiological incidents files, and protective action planning manual work files. Paper recordkeeping copies of these files were previously approved for disposal.

20. Environmental Protection Agency, Agency-wide (N1–412–07–67, 5 items, 5 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to records of the Office of Enforcement and Compliance Assurance, regardless of recordkeeping medium. The records include closed cases not referred for criminal prosecution, pre-product registration audits, and printouts of pesticide production and distribution. Paper recordkeeping copies of these files were previously approved for disposal.

21. Federal Communications Commission, Consumer and Governmental Affairs Bureau (N1–173–07–1, 12 items, 12 temporary items). Inputs, outputs, and master files for electronic information systems related to complaints received by the Consumer Inquiries and Complaints Division.

22. Federal Energy Regulatory Commission, Agency-wide (N1–138–07–1, 1 item, 1 temporary item). Quarterly filings by interstate gas pipeline utilities listing transportation and storage customers. The proposed disposition instructions are limited to electronic records.

23. Federal Maritime Commission, Bureau of Trade Analysis (N1–358–08–06, 10 items, 10 temporary items). Reading files, Office of Service Contracts and Tariffs subject files, freight and terminal operator tariffs, tariff filing exemptions, applications for permissions to deviate from tariff filing requirements, tariff registration files that provide tariff publication locations for shippers and the public, investigation files of terminals and carriers, copies of docketed files, and rejection letters and complaint files.

24. Millennium Challenge Corporation, Agency-wide (N1–561–08–3, 1 item, 1 temporary item). Master file for an electronic information system used to perform analysis of data gathered from countries partnered with the agency.

Dated: June 5, 2008.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. E8–13248 Filed 6–11–08; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ENDOWMENT FOR THE ARTS

Submission for OMB Review; Comment Request

June 2, 2008.

The National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, has submitted 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). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the National Endowment for the Arts' Indemnity Administrator, Alice Whelihan (202–682–5574).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–4718), within thirty days of this publication in the **Federal Register**.

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 submissions of responses.

Agency: National Endowment for the Arts.

Title: Application for Domestic Indemnification.

OMB Number: 3135–0094.

Frequency: Every three years.

Affected Public: Non-profit, tax exempt organizations, and governments.

Number of Respondents: Estimate 100 per year.

Estimated Time per Respondent: 45 hours.

Estimate Cost per Respondent: $1,800.

Total Burden Hours: 4,500.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): $125,000.

Description: This application form is used by non-profit, tax-exempt organizations (primarily museums), individuals and governmental units to apply to the Federal Council on the Arts and the Humanities (through the National Endowment for the Arts) for indemnification of eligible works of art and artifacts, borrowed from public and private collections in the United States for exhibition in the United States. The indemnity agreement is backed by the full faith and credit of the United States. In the event of loss or damage to an indemnified object, the Federal Council certifies the validity of the claim and requests payment from Congress. 20 U.S.C. 973 *et seq.* requires such an application and specifies information which must be supplied. This statutory requirement is implemented by regulation at 45 CFR 1160.4.

Kathleen Edwards,

Director, Administrative Services.

[FR Doc. E8–13182 Filed 6–11–08; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that twelve meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506 as follows (ending times are approximate):

Visual Arts (application review): July 1–3, 2008 in Room 716. This meeting, from 9 a.m. to 5:30 p.m. on July 1st, from 9 a.m. to 6 p.m. on July 2nd, and from 9 a.m. to 3 p.m. on July 3rd, will be closed.

Opera (application review): July 7–8, 2008 in Room 716. A portion of this meeting, from 4 p.m. to 5 p.m. on July 8th, will be open to the public for a policy discussion. The remainder of the meeting, from 8:45 a.m. to 5 p.m. on July 7th and from 9 a.m. to 4 p.m. on July 8th, will be closed.

Theater (application review): July 8–11, 2008 in Room 730. A portion of this meeting, from 11:30 a.m. to 12:30 p.m. on July 11th, will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 6 p.m. on July 8th–10th and from 9 a.m. to 11:30 a.m. and 12:30 p.m. to 5 p.m. on July 11th, will be closed.

Opera (application review): July 9–10, 2008 in Room 716. This meeting, from 8:45 a.m. to 5 p.m. on July 9th and from 9 a.m. to 4 p.m. on July 10th, will be closed.

Music (application review): July 14–16, 2008 in Room 714. This meeting, from 9 a.m. to 6 p.m. on July 14th, from 8:30 a.m.–6 p.m. on July 15th, and from 8:30 a.m. to 5:45 p.m. on July 16th, will be closed.

Museums (application review): July 15–18, 2008 in Room 716. This meeting, from 9 a.m. to 5:30 p.m. on July 15th–17th and from 9 a.m. to 3 p.m. on July 18th, will be closed.

Music (application review): July 17, 2008 in Room 714. A portion of this meeting, from 4:15 p.m. to 5:45 p.m., will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 4:15 p.m., will be closed.

Theater (application review): July 22–25, 2008 in Room 730. A portion of this meeting, from 11:30 a.m. to 12:30 p.m. on July 25th, will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 6 p.m. on July 22nd–24th and from 9 a.m. to 11:30 a.m. and 12:30 p.m. to 5 p.m. on July 25th, will be closed.

Presenting (application review): July 23–25, 2008 in Room 716. This meeting, from 8:30 a.m. to 5:30 p.m. on July 23rd–24th and from 8:30 a.m. to 3:45 p.m. on July 25th, will be closed.

AccessAbility (application review): July 24, 2008 in Room 716. This meeting, by teleconference from 2 p.m. to 3:30 p.m., will be closed.

Dance (application review): July 28–August 1, 2008 in Room 716. This meeting, from 9 a.m. to 6 p.m. on July 28th–31st and from 9 a.m. to 3 p.m. on August 1st, will be closed.

Music (application review): July 29–31, 2008 in Room 714. This meeting, from 9 a.m. to 5:45 p.m. on July 29th, from 8:30 a.m. to 6 p.m. on July 30th, and from 8:30 a.m. to 4:15 p.m. on July 31st, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202–682–5532, TDY–TDD 202–682–5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202–682–5691.

Dated: June 9, 2008.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. E8–13193 Filed 6–11–08; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services; Sunshine Act Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the agenda of the forthcoming meeting of the National Museum and Library Services Board. This notice also describes the function of the Board. Notice of the meeting is required under the Sunshine in Government Act.

TIME AND DATE: Monday, June 23, 2008 from 1 p.m. to 4 p.m.

AGENDA: Fifteenth National Museum and Library Services Board Meeting:

I. Welcome
II. Approval of Minutes
III. Financial Update
IV. Legislative Update
V. Board Program: Connecting to Collections & Youth Initiatives
VI. Board Updates
VII. Adjournment
(Open to the Public)

PLACE: The meeting will be held in the Gates Room on Level Five of the Denver Public Library, 10 W 14th Avenue Parkway, Denver, Colorado. Telephone: (720) 865–1111.

FOR FURTHER INFORMATION CONTACT: Elizabeth Lyons, Special Events and Board Liaison, Institute of Museum and Library Services, 1800 M Street, NW.,

9th Floor, Washington, DC 20036. Telephone: (202) 653–4676.

SUPPLEMENTARY INFORMATION: The National Museum and Library Services Board is established under the Museum and Library Services Act, 20 U.S.C. Section 9101 *et seq.* The Board advises the Director of the Institute on general policies with respect to the duties, powers, and authorities related to Museum and Library Services. If you need special accommodations due to a disability, please contact: Institute of Museum and Library Services, 1800 M Street, NW., 9th Fl., Washington, DC 20036. Telephone: (202) 653–4676; TDD (202) 653–4614 at least seven (7) days prior to the meeting date.

Dated: June 2, 2008.

Kate Fernstrom,

Chief of Staff.

[FR Doc. E8–12919 Filed 6–11–08; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 73 FR 14276, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.* 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: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or via e-mail to *splimpto@nsf.gov.* 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 703–292–7556.

NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Monitoring for the National Science Foundation's Math and Science Partnership (MSP) Program.

OMB Control No.: 3145–0199.

Expiration Date of Approval: September 30, 2008.

1. Abstract

This document has been prepared to support the clearance of data collection instruments to be used in the evaluation of the Math and Science Partnership (MSP) program. The goals for the program are to (1) ensure that all K–12 students have access to, are prepared for, and are encouraged to participate and succeed in challenging curricula and advanced mathematics and science courses; (2) enhance the quality, quantity, and diversity of the K–12 mathematics and science teacher workforce; and (3) develop evidence-based outcomes that contribute to our understanding of how students effectively learn mathematics and science. The motivational force for realizing these goals is the formation of partnerships between institutions of higher education (IHEs) and K–12 school districts. The role of IHE content faculty is the cornerstone of this intervention. In fact, it is the rigorous involvement of science, mathematics, and engineering faculty—and the expectation that both IHEs and K–12 school systems will be transformed—that distinguishes MSP from other education reform efforts.

The components of the overall MSP portfolio include active projects whose initial awards were made prior to MSP competitions: (1) Comprehensive Partnerships that implement change in mathematics and/or science educational practices in both higher education institutions and in schools and school districts, resulting in improved student achievement across the K–12 continuum; (2) Targeted Partnerships that focus on improved K–12 student achievement in a narrower grade range or disciplinary focus within mathematics or science; (3) Institute Partnerships: Teacher Institutes for the 21st Century that focus on the development of mathematics and science teachers as school- and district-based intellectual leaders and master teachers; and (4) Research, Evaluation and Technical Assistance (RETA) projects that build and enhance large-scale research and evaluation capacity for all MSP awardees and provide them with tools and assistance in the implementation and evaluation of their work.

The MSP monitoring information system, comprised of eight Web-based surveys and one paper survey, collects a common core of data about each component of MSP. The Web application for MSP has been developed with a modular design that incorporates templates and self-contained code modules for rapid development and ease of modification. A downloadable version will also be available for respondents who prefer a paper version that they can mail or fax to the external contractor.

Use of the information: This information is required for effective program planning, administration, communication, program and project monitoring and evaluation, and for measuring attainment of NSF's program, project and strategic goals, as required by the President's Management agenda as represented by the Office of Management and Budget's (OMB's) Program Assessment Rating Tool (PART); the Deficit Reduction Act of 2005 (Pub. L. 109–171) which established the Academic Competitiveness (ACC) and the NSF's Strategic Plan. The Foundation's FY 2006–2011 Strategic Plan describes four strategic outcome goals of Discovery, Learning, Research Infrastructure, and Stewardship. NSF's complete strategic plan may be found at: *http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf0648.*

2. Expected Respondents

Individuals or households, not-for-profit institutions, business or other for profit, and Federal, State, local or tribal government. The expected respondents

are principal investigators of all partnership and RETA projects; STEM and education faculty members and administrators who participated in MSP; school districts and IHEs that are partners in an MSP project; and teachers participating in Institute Partnerships.

3. Burden on the Public

Number of Respondents: 3,149.

Burden on the Public: The total estimate for this collection is 50,322 annual burden hours.

This figure is based upon the previous 3 years of collecting information under this clearance and anticipated collections. The average annual reporting burden is estimated to be between 2 and 22 hours per respondent depending on whether a respondent is a direct participant who is self-reporting or representing a project and reporting on behalf of many project participants. The majority of respondents (60%) are estimated to require fewer than two hours to complete the survey. The burden on the public is negligible because the study is limited to project participants that have received funding from the MSP Program.

Dated: June 9, 2008.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E8–13186 Filed 6–11–08; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–389]

Florida Power & Light Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–16 issued to the Florida Power and Light Company (the licensee) for operation of the St. Lucie Plant, Unit 2, located in St. Lucie County, Florida. The proposed amendment would change the Technical Specifications to modify the facilities operating licensing bases to adopt the alternative source term as allowed in 10 CFR 50.67 and described in Regulatory Guide 1.183. Through reanalysis of the following radiological consequences of the Updated Final Safety Analysis Report Chapter 15 accidents: Loss-of-Coolant Accident, Fuel Handling Accident, Main Steam Line Break, Steam Generator Tube Rupture, Reactor Coolant Pump Shaft Seizure, Control Element Assembly Ejection, Letdown Line Break, and Feedwater Line Break.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Alternative source term calculations have been performed for St. Lucie Unit 2 which demonstrate that the dose consequences remain below limits specified in NRC Regulatory Guide 1.183 and 10 CFR 50.67. The proposed changes modify the setpoint for Control Room Isolation radiation monitoring instrumentation and add a new surveillance requirement. Control Room Isolation radiation monitoring instrumentation does not adversely affect accident initiators or precursors or prevent the ability of structures, systems, and components to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The modified setpoint and new surveillance requirement will ensure that the Control Room is isolated within the limits assumed in the AST analysis. The use of the AST only changes the regulatory assumptions regarding the analytical treatment of the design basis accidents and has no direct effect on the probability of any accident. The AST has been utilized in the analysis of the limiting design basis accidents listed above. The results of the analyses, which include the proposed changes to the Technical Specifications, demonstrate that the dose consequences of these limiting events are all within the regulatory limits.

The proposed Technical Specification [TS] changes are consistent with, or more restrictive than, the current TS requirements, with the possible exception of the alarm/trip setpoint for Control Room Isolation radiation monitoring instrumentation. The current alarm/trip setpoint of ≤ 2 times background is variable. A background reading of approximately 40 cpm is typical for the Control Room Isolation radiation monitors. It is possible that the background reading could increase to above 160 cpm. Revising the Control Room Isolation alarm/trip setpoint from ≤ 2 times background to ≤ 320 cpm will establish a maximum setpoint value and ensure automatic actuation of the control room emergency ventilation system for the limiting case event with adequate margin for the bounding total loop uncertainty of 200%. None of the affected systems, components or programs are related to accident initiators. As such, the revised TS requirements can not affect the probability of an accident and can only reduce the consequences of analyzed accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Other than discussed below, the proposed change does not affect any plant structures, systems, or components. The operation of plant systems and equipment will not be affected by this proposed change. Neither implementation of the alternative source term methodology nor establishing more restrictive TS requirements have the capability to introduce any new failure mechanisms or cause any analyzed accident to progress in a different manner.

The proposed changes associated with the Control Room Isolation radiation monitoring instrumentation setpoint and new surveillance requirement are not accident initiators. These proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a significant change in the methods governing normal plant operation. These changes do not alter any safety analysis assumptions and will not affect or degrade the ability of structures, systems, and components to perform their specified safety function.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed implementation of the alternative source term methodology is consistent with NRC Regulatory Guide 1.183. The proposed Technical Specification changes are consistent with, or more restrictive than, the current TS requirements with the possible exception of the alarm/trip setpoint for Control Room Isolation radiation monitoring instrumentation. The current alarm/trip setpoint of ≤ 2 times background is variable. A background reading of approximately 40 cpm is typical for the Control Room Isolation radiation monitors. It is possible that the background reading could increase to above 160 cpm. Revising the Control Room Isolation radiation monitoring

instrumentation alarm/trip setpoint from ≤ 2 times background to ≤ 320 cpm will establish a maximum setpoint value and ensure automatic actuation of control room emergency ventilation system for the limiting case event with adequate margin for the bounding total loop uncertainty of 200%. These TS requirements support the AST revisions to the limiting design basis accidents. As such, the current plant margin of safety is preserved. Conservative methodologies, per the guidance of RG 1.183, have been used in performing the accident analyses. The radiological consequences of these accidents are all within the regulatory acceptance criteria associated with use of the alternative source term methodology.

The proposed changes continue to ensure that the doses at the exclusion area and low population zone boundaries and in the Control Room are within the corresponding regulatory limits of RG 1.183 and 10 CFR 50.67. The margin of safety for the radiological consequences of these accidents is considered to be that provided by meeting the applicable regulatory limits, which are set at or below the 10 CFR 50.67 limits. An acceptable margin of safety is inherent in these limits.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. 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.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing

held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the Internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *hearingdocket@nrc.gov,* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737. Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville, Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

For further details with respect to this license amendment application, see the application for amendment dated July 16, 2007, as supplemented June 2, 2008, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the 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 6th day of June 2008.

For the Nuclear Regulatory Commission.

Lois M. James,

Chief, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8–13197 Filed 6–11–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–4]

Duke Power Company LLC d/b/a Duke Energy Carolinas, LLC; Notice of Docketing, Notice of Proposed Action, and Notice of Opportunity for a Hearing for Renewal of Special Nuclear Material License SNM–2503 for the Oconee Nuclear Generating Station Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license renewal, and opportunity to request a hearing.

DATES: A request for hearing and/or petition for leave to intervene must be filed by August 11, 2008.

FOR FURTHER INFORMATION CONTACT: Ronald A. Burrows, Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 492–3335; fax number: (301) 492–3348; e-mail: *ronald.burrows@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application dated January 30, 2008, from Duke Power Company LLC d/b/a Duke Energy Carolinas, LLC (applicant or Duke) for the renewal of its Special Nuclear Material License No. SNM–2503, under the provisions of 10 CFR part 72, for the receipt, possession, storage and transfer of spent fuel, reactor-related Greater than Class C (GTCC) waste and other radioactive materials associated with spent fuel storage at the Oconee Nuclear Station (ONS) Independent Spent Fuel Storage Installation (ISFSI), located at the ONS site in Oconee County, South Carolina. If granted, the renewed license will authorize the applicant to continue to store spent fuel in a dry cask storage system at the applicant's ONS ISFSI. Pursuant to the provisions of 10 CFR 72.42, the renewal term of the license for the ISFSI would be twenty (20) years; however, the applicant has submitted a separate exemption request with the license renewal application, which, if granted, would allow the license to be renewed for 40 years. This application was docketed under 10 CFR part 72; the ISFSI Docket No. is 72–4.

An NRC administrative review, documented in a letter to Duke dated April 24, 2008, found that the application contains sufficient information for the NRC staff to begin its technical review. The Commission will approve the license renewal application if it determines that the application meets the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations, including the findings required by 10 CFR 72.40. These findings will be documented in a Safety Evaluation Report. The NRC will complete an environmental evaluation, in accordance with 10 CFR Part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and finding of no significant impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for the renewal of Special Nuclear Material License No. SNM–2503 issued to Duke for its ISFSI located at the ONS site in Oconee County, South Carolina. Any person whose interest may be affected by this proceeding, and who desires to participate as a party, must file a request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). All documents filed in NRC adjudicatory proceedings, including documents filed by interested governmental entities participating under 10 CFR 2.315(c) and any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, must be filed in accordance with the E-Filing rule. The E-Filing rule requires participants to submit and serve all adjudicatory documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (301) 415–1677, to request (1) a digital Identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor, or its counsel or representative, already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings 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: Rulemakings and Adjudications Staff. Participants filing a document in this manner are responsible for serving the

document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include Social Security numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The formal requirements for documents contained in 10 CFR 2.304(c)–(e) must be met. If the NRC grants an electronic document exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

In accordance with 10 CFR 2.309(b), a request for a hearing must be filed by August 11, 2008.

In addition to meeting other applicable requirements of 10 CFR 2.309, the general requirements involving a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requestor;
2. The nature of the requestor's right under the Act to be made a party to the proceeding;
3. The nature and extent of the requestor's property, financial or other interest in the proceeding;
4. The possible effect of any decision or order that may be issued in the proceeding on the requestor's interest; and
5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309(f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;
2. Provide a brief explanation of the basis for the contention;
3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;
4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;
5. Provide a concise statement of the alleged facts or expert opinions which support the requestor's or petitioner's position on the issue and on which the requestor or petitioner intends to rely to support its position on the issue; and
6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the requestor or petitioner disputes and the supporting reasons for each dispute or, if the requestor or petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requestor's or petitioner's belief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the request or petition is to be filed, such as the application, supporting safety analysis report, environmental report or other supporting document filed by the applicant, or otherwise available to the requestor or petitioner. On issues arising under the National Environmental Policy Act, the requestor or petitioner shall file contentions based on the applicant's environmental report. The requestor or petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft or final environmental impact statement or if appropriate, the environmental assessment and associated draft or final finding of no significant impact, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns issues relating to matters discussed or referenced in the Safety Evaluation Report for the proposed action.
2. Environmental—primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the proposed action.
3. Emergency Planning—primarily concerns issues relating to matters discussed or referenced in the Emergency Plan as it relates to the proposed action.
4. Physical Security—primarily concerns issues relating to matters discussed or referenced in the Physical Security Plan as it relates to the proposed action.
5. Miscellaneous—does not fall into one of the categories outlined above. If the requestor or petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requestor or petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requestor or petitioner asserts the contention belongs with a separate designation for that category.

Requestors or petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requestors or petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requestor or petitioner that wishes to adopt a contention proposed by another requestor or petitioner must do so, in accordance with the E-Filing rule, within ten days of the date the contention is filed, and designate a representative who shall have the authority to act for the requestor or petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing or a petition for leave to intervene may also address the selection of hearing procedures, taking into account the provisions of 10 CFR 2.310.

III. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public

documents. The ADAMS accession numbers for the documents related to this notice are: License Renewal Application dated January 30, 2008 (ML081280084) and the acceptance review letter dated April 24, 2008 (ML081200183). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov*.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 30th day of May 2008.

For the Nuclear Regulatory Commission.

Ronald A. Burrows,

Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E8–13198 Filed 6–11–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Final Regulatory Guide: Issuance, Availability

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Issuance, Availability of Regulatory Guide 4.21.

FOR FURTHER INFORMATION CONTACT: Edward O'Donnell, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6265 or e-mail to *Edward.ODonnell@nrc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) is issuing a new regulatory guide, RG 4.21, ''Minimization of Contamination and Radioactive Waste Generation: Life-Cycle Planning.'' The NRC's regulatory guides describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This guide describes a method that the staff of the NRC considers acceptable for use in implementation of Title 10 of the Code of Federal Regulations, Section 20.1406 (10 CFR 20.1406), ''Minimization of Contamination.'' Section 20.1406 requires applicants for licenses, design certification, approval of standard designs, and manufacturing licenses under 10 CFR Part 52, ''Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants,'' to submit information with regard to design and operational procedures for (1) minimizing radioactive waste generation, contamination of the facility and the environment, and (2) facilitating decommissioning.

In July 2007, the NRC published a draft of this guide as DG–4012. The public comment period closed on November 1, 2007. The staff's responses to the public comments are located in the NRC's Agencywide Documents Access and Management System (ADAMS), Accession Number ML080700256.

Electronic copies of RG 4.21 are available through the NRC's public Web site under ''Regulatory Guides'' at *http://www.nrc.gov/reading-rm/doc-collections/.*

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4209, by fax at (301) 415–3548, and by e-mail to *PDR@nrc.gov.*

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 5th day of June, 2008.

For the Nuclear Regulatory Commission.

Makuteswara Srinivasan,

Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E8–13217 Filed 6–11–08; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2008–8, CP2008–9 and CP2008–10; Order No. 81]

Global Plus Postal Contracts

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document announces the filing of three Postal Service notices regarding Global Plus contracts and related Commission review. Publication of this document satisfies procedural requirements. It also allows interested persons an opportunity to comment.

DATES: Postal Service filings are due June 13, 2008. Public comments are due June 19, 2008.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov.*

SUPPLEMENTARY INFORMATION: On June 2, 2008, the Postal Service filed three notices, which have been assigned to Docket Nos. CP2008–8, CP2008–9 and CP2008–10, announcing prices and classification changes for competitive products not of general applicability. The notice in Docket No. CP2008–8 informs the Commission that ''the Governors have established prices and classifications for competitive products not of general applicability for Global Plus Contracts.'' [1] The Postal Service attached a revision of the draft Mail Classification Schedule (MCS) (section 2610.5) concerning Global Plus contracts to the Notice.[2] Docket No. CP2008–8 has been filed pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5 and 3020.90. In support of this docket, the Postal Service has also filed materials under seal, including the Governors' decision. The Postal Service claims that ''[c]ontract prices are highly confidential in the business world * * * [and that its] ability * * * to negotiate individual contracts would be severely compromised if prices for these types of agreements were publicly disclosed.'' Notice at 1–2.

The notices in Docket Nos. CP2008–9 and CP2008–10 announce individual negotiated service agreements, namely, specific Global Plus contracts that the Postal Service has entered into with individual mailers.[3] In support of these dockets, the Postal Service has also filed materials, including the contracts and

[1] Notice of United States Postal Service of Governors' Decision Establishing Prices and Classifications for Global Plus Contracts, June 2, 2008, at 1 (Notice).

[2] The draft MCS remains under review. The Commission anticipates providing interested persons an opportunity to comment on the draft MCS in the near future. Modifications to the MCS, such as proposed in Docket No. CP2008–8, should, in the future, be filed in the dockets designated by the ''MC'' prefix. Contracts executed pursuant to those requested classifications are appropriately filed as ''CP'' dockets.

[3] Docket No. CP2008–9, Notice of United States Postal Service Filing of a Global Plus Contract, June 2, 2008 (Docket No. CP2008–9 Pricing Notice); Docket No. CP2008–10, Notice of United States Postal Service of Filing a Global Plus Contract, June 2, 2008 (Docket No. CP2008–10 Pricing Notice).

supporting materials, under seal.[4] The Postal Service asserts that ''[t]he names of customers who enter into respective contracts and the related contract prices are highly confidential business information.'' Docket No. CP2008–9 Pricing Notice at 1; Docket No. CP2008–10 Pricing Notice at 1.

The Postal Service's filings in these dockets are related. Docket No. CP2008–8 establishes, in essence, a shell classification, while Docket Nos. CP2008–9 and CP2008–10 are specific agreements negotiated pursuant to the conditions of the shell classification. Given this interrelationship, the Commission reviews these proceedings together in this order.[5]

In Order No. 43, the Commission issued regulations establishing a modern system of rate regulation, including a list of competitive products. PRC Order No. 43, October 29, 2007, 3061, 4013. Among other things, the Commission determined that each negotiated service agreement would initially be classified as a separate product. The Commission also acknowledged, however, the possibility of grouping functionally equivalent agreements as a single product if they exhibit similar cost and market characteristics. *Id.* 2177 and 3001. In its filings, the Postal Service does not contend or provide support for the proposition that these two agreements are premised on similar cost and market characteristics. Thus, the specific Global Plus agreements filed in Docket Nos. CP2008–9 and CP2008–10 will be classified as new products.

As noted above, the Postal Service filed all three above-captioned dockets pursuant to 39 CFR 3015.5.[6] Recognizing that the Postal Service's filings in these proceedings represent a series of recent filings involving competitive rates not of general applicability under 39 U.S.C. 3632(b)(3), the Commission will proceed as if the Global Plus negotiated service agreements also had been filed pursuant to 39 CFR part 3020, subpart B.[7] As a consequence, the Commission will also review the dockets pursuant to 39 CFR 3020.34. Because the Commission in its own discretion will review these dockets under 39 CFR 3020.34, the Postal Service may, if it wishes to do so, supplement the materials already filed with the Commission.[8]

In addition, the Commission directs the Postal Service to identify and list any contracts currently in existence (and their respective expiration dates) that would no longer qualify as Global Plus contracts under proposed revised section 2610.5 to the draft MCS attached to the Notice in Docket No. CP2008–8. The Commission also directs the Postal Service to provide a detailed justification for why it believes that Global Plus contracts' expiration dates (without disclosing the identity of the customers) should not be made publicly available. The Postal Service must also address the reasons why the entire Governors' decision is considered to be highly confidential or otherwise entitled to be filed under seal.

Under the negotiated service agreements at issue, mailers would pay discounted rates prior to necessary regulatory approval for such rates subject to subsequent collection of the full rate if regulatory approval is not obtained. The Postal Accountability and Enhancement Act does not appear to contemplate this arrangement for new products. *See* 39 U.S.C. 3642(e). The Postal Service should address this issue in its comments.

Answers to the Commission's questions and any supplemental materials that the Postal Service plans to provide are due no later than June 13, 2008.

Interested persons may express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than June 19, 2008.

Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned dockets.

It is ordered:

1. Responses to the Commission's questions set forth in the body of this order and any supplemental materials that the Postal Service wishes to provide are due no later than June 13, 2008.

2. Comments by interested persons on issues in these proceedings are due no later than June 19, 2008.

3. The Commission appoints Paul L. Harrington as Public Representative to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E8–13161 Filed 6–11–08; 8:45 am]

BILLING CODE 7710–FW–P

[4] The Postal Service's filings under seal did not comply with the Commission's procedural rules. The Postal Service is reminded that a cover sheet must be attached to all documents being filed under seal. The cover sheet must contain the caption and title pursuant to 39 CFR 3001.11(a). Consistent with previous practice, documents filed under seal should contain a statement similar to the following: ''CONFIDENTIAL—DOCUMENT FILED UNDER SEAL.'' *See, e.g.*, Docket No. MC2005–3, P.O. Ruling MC2005–3/2, at Attachment para. 10.

[5] While this order treats these proceedings together due to their interrelated nature, future filings should be made in the docket related to the issues being addressed.

[6] Docket No. CP2008–8 was also filed pursuant to 39 CFR 3020.90.

[7] In Order Nos. 78 and 79, the Commission provided guidance on the filing procedures that should be used for such filings in the future. *See* PRC Order No. 78 at 3, n.6.

[8] The Commission characterizes the Governors' decision and associated materials filed in Docket No. CP2008–8 as material that supports the specific negotiated service agreements filed in Docket Nos. CP2008–9 and CP2008–10.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Struthers, Inc. (n/k/a Global Marine, Ltd.), Sun Vacation Properties Corp., and Sunshine Mining & Refining Co.,; Order of Suspension of Trading

June 10, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Struthers, Inc. (n/k/a Global Marine Ltd.) because it has not filed any periodic reports since the period ended September 30, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sun Vacation Properties Corp. because it has not filed any periodic reports since the period ended December 31, 2003.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sunshine Mining & Refining Co. because it has not filed any periodic reports since September 30, 2001.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 10, 2008, through 11:59 p.m. EDT on June 23, 2008.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 08–1347 Filed 6–10–08; 10:23 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57932; File No. SR–Amex–2008–39]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Listing and Trading of Trust Issued Receipts That Directly Hold Investments in Certain Financial Instruments and To Permit the Listing and Trading of Shares of Fourteen Funds of the Commodities and Currency Trust

June 5, 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 May 9, 2008, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On June 4, 2008, the Exchange filed Amendment No. 1 to the proposed rule change. 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

The Exchange proposes to: (1) Amend Commentary .07 to Amex Rule 1202 to permit the listing and trading of certain trust issued receipts (''TIRs'') that hold any combination of investments including cash, securities, options on securities and indices, commodities, futures contracts, options on futures contracts, forward contracts, equity caps, collars, and floors, and swap agreements (collectively, ''Financial Instruments''); and (2) list and trade the shares (''Shares'') of fourteen funds (''Funds'') of the Commodities and Currency Trust (''Trust'') based on certain commodity indexes, commodities, and currencies pursuant to Commentary .07 to Amex Rule 1202, as proposed to be amended. The text of the proposed rule change is available at Amex, the Commission's Public Reference Room, and *http://www.amex.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, 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 Commentary .07 to Amex Rule 1202 to permit the listing and trading of certain TIRs that directly hold any combination of investments in Financial Instruments.[3] In addition, the Exchange proposes to list and trade the Shares of the Funds pursuant to Commentary .07 to Amex Rule 1202, as proposed to be amended.

Proposed Revision to Commentary .07 to Amex Rule 1202

Commentary .07 to Amex Rule 1202 currently permits the Exchange to list and trade TIRs where the underlying trust holds ''Investment Shares.'' [4] Investment Shares are defined in Commentary .07(b)(1) to Amex Rule 1202 as securities that are (a) issued by a trust, partnership, commodity pool, or other similar entity that invests in any combination of futures contracts, options on futures contracts, forward contracts, commodities, swaps or high credit quality short-term fixed-income securities or other securities, and (b) issued and redeemed daily at net asset value (''NAV'') in amounts correlating to the number of receipts created and redeemed in a specified aggregate minimum number. As a result, TIRs that are listed pursuant to current Commentary .07 to Amex Rule 1202 are required to be in the form of a ''master-feeder'' structure, whereby the listed security holds or invests in the security of the fund that is investing in the prescribed financial instruments.

As a result of a recent interpretation by the staff of the Internal Revenue Service relating to the inability to interpose a grantor trust in order to utilize a certain tax reporting form, the Exchange has been notified that the need for the current master-feeder structure set forth in Commentary .07 to Amex Rule 1202 is no longer necessary. The Exchange represents that there are no substantive differences between the proposed structure (TIRs directly holding Financial Instruments) and the current master-feeder structure (TIRs holding Investment Shares that invest in certain financial instruments). Amex states that its proposal would provide an alternative for issuers so that TIRs may be listed and traded on the Exchange that directly invests in or holds Financial Instruments, rather than through an additional security of a fund.

Specifically, the proposal seeks to expand the application of Commentary .07 to Amex Rule 1202 to both Investment Shares and Financial Instruments. Accordingly, new Commentary .07(b)(4) to Amex Rule 1202 would be added to define ''Financial Instrument'' as any combination of cash, securities, options on securities and indices, commodities, futures contracts, options on futures contracts, forward contracts, equity caps, collars, and floors, and swap agreements. Amex seeks to add the term ''Financial Instrument'' to where the term ''Investment Shares'' appears throughout Commentary .07 to Amex Rule 1202 to indicate that TIRs directly holding Financial Instruments may be listed and traded on the Exchange.

Description of the Funds and the Shares

The Shares of each Fund will generally be subject to the Amex rules applicable to TIRs. The Shares represent common units of fractional undivided beneficial interests in, and ownership of, each Fund. Each Fund will invest the proceeds of its offering of Shares in various Financial Instruments that will provide exposure to the Funds' underlying currency, commodity, or commodity index, as applicable. In addition, the Funds will also maintain cash positions in cash or money market instruments for the purpose of collateralizing such positions taken in the Financial Instruments.

Shares of seven of the Funds of the Trust will be designated as Ultra ProShares while the Shares of the other seven Funds of the Trust will be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange represents that permissible securities in connection with Financial Instruments would not include foreign equity securities.

[4] *See* Commentary .07(a) to Amex Rule 1202. *See also* Securities Exchange Act Release No. 53105 (January 11, 2006), 71 FR 3129 (January 19, 2006) (SR–Amex 2005–059) (approving, among other things, the adoption of Commentary .07 to Amex Rule 1202).

designated as UltraShort ProShares.[5] Each of the Funds will have a distinct investment objective. The Funds will attempt, on a daily basis, to achieve their investment objective by corresponding to a specified multiple or an inverse multiple of the performance of a particular benchmark commodities index, commodity, or currency (each an ''Underlying Benchmark'' and collectively, the ''Underlying Benchmarks'').

Six Funds will be based on the following Underlying Benchmark indexes: (1) The Dow Jones-AIG Commodity Index℠; (2) the Dow Jones-AIG Crude Oil Sub-Index℠; and (3) the Dow Jones-AIG Agriculture Sub-Index℠ (each, an ''Underlying Index'' and collectively, the ''Underlying Indexes''). Four Funds will be based on the following Underlying Benchmark commodities: (1) Gold; and (2) silver (each, an ''Underlying Commodity'' and collectively, the ''Underlying Commodities''). Lastly, four Funds will be based on the following Underlying Benchmark currencies versus the U.S. dollar: (1) The Euro; and (2) the Japanese Yen (each, an ''Underlying Currency'' and collectively, the ''Underlying Currencies'').

The Exchange proposes to list and trade the Shares of the Funds, that seek daily investment results, before fees and expenses, that correspond to twice (200%) the daily performance of the Underlying Benchmark (the ''Ultra Funds''). If each such Fund is successful in meeting its investment objective, the NAV[6] of the Shares of each such Fund is expected to gain on a percentage basis, approximately twice as much as each such Fund's respective Underlying Benchmark when the price of the Underlying Benchmark increases on a given day, and should lose approximately twice as much when such price declines on a given day, before fees and expenses.

The Exchange also proposes to list and trade Shares of the Funds, that seek daily investment results, before fees and expenses that correspond to twice the inverse (−200%) of the daily performance of the Underlying Benchmark (the ''UltraShort Funds''). If each such Fund is successful in meeting its objective, the NAV of the Shares of each such Fund is expected to increase approximately twice as much, on a percentage basis, as the respective Underlying Benchmark loses on a given day, or should decrease approximately twice as much as the respective Underlying Benchmark gains when the Underlying Benchmark rises on a given day, before fees and expenses.

The Exchange notes that the Commission has permitted the listing and trading on Amex of exchange-traded fund-like products linked to the performance of underlying currencies and commodities.[7] In addition, the Exchange further notes that the shares of other UltraFunds and UltraShort Funds based on various securities indexes have previously been approved by the Commission.[8]

The Underyling Indexes. As noted above, six of the Funds will be based on the Underlying Indexes.[9] The Underlying Indexes are all sub-indexes within the Dow Jones-AIG Commodity Index.[10] The Commission has previously approved for trading certain derivative securities products based on the Dow Jones-AIG Commodity Index and certain of its sub-indexes.[11]

(1) Dow Jones-AIG Commodity Index Excess Return. This Underlying Index is a proprietary index that AIG Financial Products Corp. (successor to AIG International, Inc. or ''AIG–FP'') developed and that Dow Jones, in conjunction with AIG–FP, calculates.[12]

[5] The Funds are the: (1) Ultra DJ–AIG Commodity ProShares; (2) UltraShort DJ–AIG Commodity ProShares; (3) Ultra DJ–AIG Agriculture ProShares; (4) UltraShort DJ–AIG Agriculture ProShares; (5) Ultra DJ–AIG Crude Oil ProShares; (6) UltraShort DJ–AIG Crude Oil ProShares; (7) Ultra Gold ProShares; (8) UltraShort Gold ProShares; (9) Ultra Silver ProShares; (10) UltraShort Silver ProShares; (11) Ultra Euro ProShares; (12) UltraShort Euro ProShares; (13) Ultra Yen ProShares; and (14) UltraShort Yen ProShares. *See* Exhibit A to Amex's proposed rule change.

[6] NAV means the total assets of a Fund including, but not limited to, all cash and cash equivalents or other debt securities, *less* total liabilities of such Fund, each determined on the basis of generally accepted accounting principles in the United States, consistently applied under the accrual method of accounting. In particular, NAV includes any unrealized profit or loss on open swaps and futures contracts and any other credit or debit accruing to a Fund but unpaid or not received by a Fund.

[7] *See, e.g.*, Securities Exchange Act Release Nos. 55632 (April 13, 2007), 72 FR 19987 (April 20, 2007) (SR–Amex–2006–112) (approving the listing and trading of the United States Natural Gas Fund, LP); 53582 (March 31, 2006), 71 FR 17510 (April 6, 2006) (SR–Amex 2005–127) (approving the listing and trading of the United States Oil Fund, LP); 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex 2005–072) (approving the listing and trading of the iShares Silver Trust); 53105 (January 11, 2006), 71 FR 3129 (January 19, 2006) (SR–Amex 2005–059) (approving the listing and trading of the DB Commodity Index Tracking Fund); 53059 (January 5, 2006), 71 FR 2072 (January 12, 2006) (SR–Amex 2005–128) (approving the trading of the Euro Currency Trust pursuant to unlisted trading privileges (''UTP'')); 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex 2004–38) (approving the listing and trading of the iShares COMEX Gold Trust); and 51446 (March 29, 2005), 70 FR 17272 (April 5, 2005) (SR–Amex–2005–032) (approving the trading of streetTRACKS Gold Shares pursuant to UTP). *See also* Securities Exchange Act Release Nos. 55029 (December 29, 2006), 72 FR 806 (January 8, 2007) (SR–Amex 2006–76) (approving the listing and trading of the DB Multi-Sector Commodity Trust); 54450 (September 14, 2006), 71 FR 55230 (September 21, 2006) (SR–Amex 2006–44) (approving the listing and trading of shares of the DB Currency Index Value Fund); 55292 (February 14, 2007), 72 FR 8406 (February 26, 2007) (SR–Amex 2006–86) (approving the listing and trading of shares of the PowerShares DB U.S. Dollar Index Bullish Fund and the PowerShares DB U.S. Dollar Index Bearish Fund); 56969 (December 14, 2007), 72 FR 72424 (December 20, 2007) (approving the listing and trading of shares on the GreenHaven Continuous Commodity Index Fund).

[8] *See* Securities Exchange Act Release Nos. 52553 (October 3, 2005), 70 FR 59100 (October 11, 2005) (SR–Amex–2004–62) (approving the listing and trading of shares of the xtraShares Trust); 54040 (June 23, 2006), 71 FR 37629 (June 30, 2006) (SR–Amex–2006–41) (approving the listing and trading of shares of the ProShares Trust); 55117 (January 17, 2007), 72 FR 3442 (January 25, 2007) (SR–Amex 2006–101) (approving the listing and trading of shares of the ProShares Trust); 56592 (October 1, 2007), 72 FR 57364 (October 9, 2007) (SR–Amex–2007–60) (approving the listing and trading of shares of the ProShares Trust based on international equity indexes); and 56998 (December 19, 2007), 72 FR 73404 (December 27, 2007) (SR–Amex–2007–104) (approving the listing and trading of shares of the ProShares Trust).

[9] ProShares, Dow Jones & Co. (''Dow Jones''), and AIG–FP (as defined below) have entered into a non-exclusive license agreement providing for the use of the Underlying Indexes in connection with the Funds. The Exchange states that AIG–FP, its subsidiaries, and affiliates are not responsible for and will not participate in the issuance and creation of the Fund Shares.

[10] The Exchange states that it lists and trades exchange-traded notes linked to the performance of the Dow Jones-AIG Commodity Index Total Return. *See* Securities Exchange Act Release No. 55776 (May 17, 2007), 72 FR 29015 (May 23, 2007) (SR–Amex–2007–29) (approving the listing and trading of floating rate notes linked to the performance of the Dow Jones-AIG Commodity Index Total Return). The Exchange states that it also lists and trades exchange-traded notes linked to the performance of the Dow Jones-AIG ExEnergy Sub-Index. *See* Securities Exchange Act Release No. 54790 (November 20, 2006), 71 FR 68645 (November 27, 2006) (SR–Amex–2006–01) (approving the listing and trading of principal protected notes linked to the performance of the Dow Jones-AIG ExEnergy Sub-Index).

[11] *See* Securities Exchange Act Release No. 55548 (March 28, 2007), 72 FR 16392 (April 4, 2007) (SR–NYSE–2006–71) (approving the listing and trading of nine series of exchange-traded notes of Barclays Bank PLC linked to the sub-indexes of the Dow Jones-AIG Commodity Index).

[12] AIG–FP, a co-sponsor of the Index, represented to the Exchange that it will: (1) Implement and maintain firewall procedures reasonably designed to prevent the use and dissemination by relevant personnel of AIG–FP, in violation of applicable laws, rules, and regulations, of material non-public information relating to changes in the composition or method of computation or calculation of the Underlying Indexes; and (2) periodically check the application of such firewall procedures as they relate to such personnel of AIG–FP directly responsible for such changes. The Exchange states that AIG–FP is not a broker-dealer, but does have affiliated companies that are broker-dealers. Dow Jones has informed the Exchange that, except as noted below, it does not have any affiliates engaged in the securities or commodities trading business and, as such, does not believe that such firewall procedures are necessary. Dow Jones B.D. Services, Inc. (''DJBD'') is a wholly owned subsidiary of Dow Jones and is a registered broker-dealer under the

The methodology for determining the composition and weighting of the Underlying Index and for calculating its level is subject to modification by the sponsors at any time. Dow Jones disseminates the Underlying Index level at least every 15 seconds from 8 a.m. to 3 p.m. Eastern time (''ET'') [13] and publishes a daily Underlying Index level at approximately 5 p.m. ET each business day on its Web site at *http://www.djindexes.com* and through other major market data vendors.

The Underlying Index is re-weighted and rebalanced each year in January on a price-percentage basis. The annual weightings for the Underlying Index are determined each year in June or July by AIG–FP and Dow Jones under the supervision of the Dow Jones-AIG Commodity Index Oversight Committee (''Oversight Committee''),[14] announced after approval by the Oversight Committee and implemented the following January.

The Underlying Index is designed to track rolling futures positions in a diversified basket of 19 exchange-traded futures contracts on physical commodities. The 19 physical commodities selected for 2008 are natural gas, crude oil, gasoline, heating oil, live cattle, lean hogs, wheat, corn, soybeans, soybean oil, aluminum, copper, zinc, nickel, gold, silver, sugar, cotton, and coffee.

The Underlying Index tracks what is known as a rolling futures position, which is a position where, on a periodic basis, futures contracts on physical commodities specifying delivery on a nearby date must be sold and futures contracts on physical commodities that have not yet reached the delivery period must be purchased. An investor with a rolling futures position is able to avoid delivering underlying physical commodities while maintaining exposure to those commodities. The rollover for each Underlying Index component occurs over a period of five business days each month according to a pre-determined schedule.

The Dow Jones-AIG Commodity Index Excess Return is intended to reflect the overall commodity sector. The Underlying Index tracks the 19 commodities from seven broad sectors such as energy, livestock, grains, industrial metals, precious metals, softs, and vegetable oil. The Underlying Index is composed of notional amounts of the futures contracts for each of the Underlying Index commodities with the weighting of each commodity broadly based in proportion to historical levels of the world's production and supplies of such Underlying Index commodity. The Underlying Index reflects the return of the underlying commodity prices movement only, whether positive or negative. The Exchange states that the Dow Jones-AIG Commodity Index Excess Return is the basis for a listed and traded futures contract on the Board of Trade of the City of Chicago, Inc. (''CBOT''). Futures contracts on the Underlying Index commodities currently trade on U.S. futures exchanges, with the exception of aluminum, nickel, and zinc, which trade on the London Metal Exchange Ltd. (''LME'').

(2) Dow Jones-AIG Crude Oil Sub-Index Excess Return. The Dow Jones-AIG Crude Oil Sub-Index Excess Return is intended to reflect the performance of crude oil as measured by the price of nearby futures contracts of sweet, light crude oil traded on the New York Mercantile Exchange, Inc. (''NYMEX''), including roll costs, without regard to income earned on cash positions. Dow Jones disseminates this Underlying Index level at least every 15 seconds from 8 a.m. to 3 p.m. ET and publishes a daily Underlying Index level at approximately 5 p.m. ET each business day on its Web site and through other major market data vendors.

The Exchange states that crude oil is the world's most actively traded commodity and may experience significant volatility. The price of crude oil is established by the supply and demand conditions in the global market overall, and more particularly, in the main refining centers of Singapore, Northwest Europe, and the U.S. Gulf Coast. Demand for petroleum products by consumers, as well as agricultural, manufacturing and transportation industries, determines demand for crude oil by refiners. Since the precursors of product demand are linked to economic activity, crude oil demand will tend to reflect economic conditions. However, other factors such as weather also influence product and crude oil demand.

(3) Dow Jones-AIG Agriculture Sub-Index Excess Return. The Dow Jones-AIG Agriculture Sub-Index Excess Return is intended to reflect the agricultural market. This Underlying Index consists of the following seven commodity futures contracts: coffee, corn, cotton, soybeans, soybean oil, sugar, and wheat. The Underlying Index will reflect the performance of its underlying commodities, including roll costs and without regard to income earned on cash positions. Dow Jones disseminates the Underlying Index level at least every 15 seconds from 8 a.m. to 3 p.m. ET and publishes a daily Underlying Index level at approximately 5 p.m. ET each business day on its Web site and through other major market data vendors.

The Commodity Underlying Benchmarks. As noted above, four Funds will be based on gold and silver Underlying Benchmark commodities.

(1) Gold. The Ultra Gold Fund and the UltraShort Gold Fund are designed to track a multiple or multiple inverse of the daily performance of gold bullion as measured by the U.S. dollar fixing price for delivery in London. These Funds will not directly or physically hold the underlying gold, but instead will seek exposure to gold through the use of Financial Instruments based on the price of gold to pursue their respective investment objective.[15] The benchmark price of gold will be the U.S. dollar price of gold bullion as measured by the London afternoon fixing price per troy ounce of unallocated gold bullion for delivery in London through a member of the London Bullion Market Association (''LBMA'') authorized to effect such delivery.

The Exchange states that the price of gold is volatile with fluctuations expected to affect the value of the Shares of these Funds. The price movement of gold may be influenced by a variety of factors, including announcements from central banks regarding reserve gold holdings, agreements among central banks, political uncertainties, and economic concerns. The gold market is a global marketplace consisting of both over-the-counter (''OTC'') transactions and exchange-traded products. The OTC market generally consists of transactions

Act. The Exchange represents that DJBD's business is limited to collecting license fees from financial institutions and exchanges and does not engage in the typical activities of a broker-dealer.

[13] The Exchange states that any disseminated value after 3 p.m. ET is static due to the close of auction trading of various commodities futures contracts.

[14] The Oversight Committee was established by Dow Jones and AIG–FP to assist with the methodology of the Dow Jones-AIG Commodity Index. The Oversight Committee includes prominent members of the financial, academic, and legal communities selected by AIG–FP and meets annually to consider any changes to be made to the Dow Jones-AIG Commodity Index for the coming year. The Oversight Committee may also meet at such other times as may be necessary. The Oversight Committee is subject to written policies that acknowledge their obligations with respect to material, non-public information.

[15] *See* Securities Exchange Act Release No. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38) (approving, among other things, the listing and trading of shares of the iShares COMEX Gold Trust, which are TIRs representing an interest in the net assets of a trust holding gold bullion). *See also* Securities Exchange Act Release No. 51446 (March 29, 2005), 70 FR 17272 (April 5, 2005) (SR–Amex–2005–032) (approving the trading of shares of the streetTRACKS Gold Trust pursuant to UTP).

in spot, forwards, options, and other derivatives, while exchange-traded transactions consist of futures and options.

A London gold ''fix'' is conducted each trading day at 3 p.m. London time (''LT'') providing reference gold prices for that day's trading. The Exchange notes that many long-term contracts are priced on the basis of the London gold fix, and market participants will usually refer to the London gold fix when looking for a basis for valuation. The Exchange believes that the London fix is the most widely used benchmark for daily gold prices and is quoted by various major market data vendors.

(2) Silver. The Ultra Silver Fund and the UltraShort Silver Fund are designed to track a multiple or multiple inverse of the daily performance of silver bullion as measured by the U.S. dollar fixing price for delivery in London. The Funds may purchase Financial Instruments based on the price of silver to pursue their respective investment objective.[16] The benchmark price of silver will be the U.S. dollar price of silver bullion as measured by the London afternoon fixing price per troy ounce of unallocated silver bullion for delivery in London through a member of the LBMA authorized to effect such delivery.

The Exchange states that the price of silver is volatile with fluctuations expected to affect the value of the Shares. The largest industrial users of silver are the photographic, jewelry, and electronic industries, and developments in these industries, among other factors, may influence the price of silver. Like gold, the silver market is a global marketplace consisting of both OTC transactions and exchange-traded products. The OTC market generally consists of transactions in spot, forwards, options, and other derivatives, while exchange-traded transactions consist of futures and options.

A London silver ''fix'' is conducted each trading day at 12 pm LT providing reference silver prices for that day's trading. The Exchange notes that many long-term contracts are priced on the basis of the London silver fix, and market participants will usually refer to the London silver fix when looking for a basis for valuation. The Exchange believes that the London fix is the most widely used benchmark for daily silver prices and is quoted by various major market data vendors.

The Currency Underlying Benchmarks. As noted above, four Funds will be based on the following Underlying Benchmark currencies versus the U.S. dollar: (1) The Euro; and (2) the Japanese Yen. These Funds will use the 4 p.m. ET euro and Japanese yen exchange rates, expressed in terms of U.S. dollars per unit of foreign currency, as the basis for these Underlying Benchmarks, respectively. The Exchange states that the euro and Japanese yen exchange rates will be provided by Reuters.

(1) Euro. The Ultra Euro Fund and the UltraShort Euro Fund are designed to track a multiple or multiple inverse of the daily change in the spot price of the euro versus the U.S. dollar.[17] The euro is the official currency of the Eurozone, which consists of 13 European states including: Austria, Belgium, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, and Spain. The euro is managed and administered by the European Central Bank and the European System of Central Banks. These Funds may purchase Financial Instruments based on the euro to pursue their respective investment objective.

(2) Japanese Yen. The Ultra Japanese Yen Fund and the UltraShort Japanese Yen Fund are designed to track a multiple or inverse of the daily change in the spot price of the Japanese yen versus the U.S. dollar. These Funds may purchase Financial Instruments based on the Japanese yen to pursue their respective investment objective.

Structure of the Funds. Each Fund is a separate series of the Trust, a Delaware statutory trust.[18] Each Fund will issue common units of beneficial interest, or Shares, which represent units of fractional undivided beneficial interest in and ownership of only that Fund. Each Fund's Shares will be offered separately.

Wilmington Trust Company (''Trustee'') is the sole trustee of the Funds. The Trustee has delegated to the Managing Owner (as defined below) all of the power and authority to manage the business and affairs of the Funds. ProShare Capital Management LLC (''Managing Owner'') will serve as the commodity pool operator and commodity trading advisor of each Fund. The Managing Owner is registered as a commodity pool operator and commodity trading advisor with the Commodity Futures Trading Commission (''CFTC''), and with the National Futures Association (''NFA''). Prudential Bache Commodities LLC (''Commodity Broker'') will execute and clear the Funds' futures contract transactions and will perform certain administrative services for the Funds. The Commodity Broker is registered with the CFTC as a Futures Commission Merchant and is a member of the NFA in such capacity. The Administrator that will be selected prior to the Shares of the Trust being offered to the public (''Administrator'') will perform or supervise the performance of services necessary for the operation and administration of the Fund. These services include, but are not limited to, receiving and processing orders from Authorized Participants (as defined below) to create and redeem baskets of Shares, accounting, NAV, calculations, and other fund administrative services. A marketing agent that will be a registered broker-dealer and that will be selected prior to the Shares of the Trust being offered to the public (''Marketing Agent'') will assist the Managing Owner and the Administrator with certain functions and duties relating to the creation and redemption of baskets of Shares. The Marketing Agent may also distribute prospectuses and consult with the Managing Owner and its affiliates in connection with marketing and sales strategies. A custodian that will be selected prior to the Shares of the Trust being offered to the public (''Custodian'') will serve as custodian of all securities and cash at any time delivered to the Custodian by each respective Fund and hold its securities in its name or the name of its nominees. The Custodian is also expected to serve as each Fund's transfer agent.

Investment Objective of the Funds. Each Ultra Fund will seek investment results that correspond, before fees and expenses, to twice (200%) the daily performance of the Underlying Benchmark. Each UltraShort Fund will seek daily investment results, before fees and expenses, of twice the inverse or opposite (−200%) of the daily performance of the Underlying Benchmark.

In seeking to achieve each Fund's investment objective, the Managing Owner determines the type, quantity, and mix of investment positions that it believes in combination should produce daily returns consistent with a Fund's investment objective. Each Fund will invest principally in any one of, or combinations of, Financial Instruments with respect to the applicable Fund's

[16] *See* Securities Exchange Act Release No. 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex–2005–072) (approving the listing and trading of shares which represent beneficial ownership interests in the net assets of the iShares Silver Trust consisting primarily of silver bullion).

[17] *See* Securities Exchange Act Release No. 53059 (January 5, 2006), 71 FR 2072 (January 12, 2006) (SR–Amex–2005–128) (approving the trading of shares of the Euro Currency Trust pursuant to UTP).

[18] The Exchange states that the Trust and the Funds will not be subject to registration and regulation under the Investment Company Act of 1940.

Underlying Benchmark to the extent determined appropriate by the Managing Owner. In addition, each Fund may establish long or short positions in Financial Instruments as the Managing Owner believes will further the investment objective of each Fund.

While the Managing Owner will attempt to minimize any ''tracking error'' between the investment results of a particular Fund and the performance (and specified multiple thereof) or the inverse performance (and specified multiple thereof) of its Underlying Benchmark, certain factors may tend to cause the investment results of a Fund to vary from such relevant Underlying Benchmark or specified multiple thereof.[19] The Ultra Funds are expected to be highly correlated to the Underlying Benchmark and investment objective (0.95 or greater). The UltraShort Funds are expected to be highly inversely correlated to each Underlying Benchmark and investment objective (−.95 or greater).[20] In each case, the Funds are expected to have a daily tracking error of less than 5% (500 basis points) relative to the specified multiple or inverse multiple of the performance of the relevant Underlying Benchmark.

The Exchange states that the Registration Statement for each Fund will provide a detailed description, including, but not limited to, the structure, creation/redemption process, investment objective and strategies, characteristics, tax status, and distributions. Investors are directed to each Fund's Registration Statement for a complete explanation.

The Portfolio Investment Methodology. The Managing Owner will seek to establish an investment exposure in each portfolio corresponding to each Fund's investment objective based upon its ''Portfolio Investment Methodology.'' The Portfolio Investment Methodology is a mathematical model based on well-established principles of finance that are widely used by investment practitioners, including conventional index fund managers.

The Portfolio Investment Methodology was designed to determine for each Fund the portfolio investments needed to achieve its stated investment objectives. The Portfolio Investment Methodology takes into account a variety of specified criteria and data, the most important of which are: (1) Net assets (taking into account creations and redemptions) in each Fund's portfolio at the end of each trading day; (2) the amount of required exposure to the Underlying Benchmark; and (3) the positions in Financial Instruments at the beginning of each trading day. The Managing Owner pursuant to the methodology will then mathematically determine the end-of-day positions to establish the required amount of exposure to the Underlying Benchmark (''Solution''), which will consist of Financial Instruments. The difference between the start-of-day positions and the required end-of-day positions is the actual amount of Financial Instruments that must be bought or sold for the day. The Solution represents the required exposure and, when necessary, is converted into an order or orders to be filled that same day.

Generally, portfolio trades effected pursuant to the Solution are reflected in the NAV on the first business day (T+1) after the date the relevant trade is made. Therefore, the NAV calculated for a Fund on a given day should reflect the trades executed pursuant to the prior day's Solution. For example, trades pursuant to the Solution calculated on a Monday afternoon are executed on behalf of the Fund in question on that day. These trades will then be reflected in the NAV for that Fund that is calculated as of the time shown in the chart below.

The timeline for the Portfolio Investment Methodology is as follows and is reflected more specifically in the chart below. Authorized Participants (''APs'' or ''Authorized Participants'')[21] have a cut-off of one-hour before the earliest underlying close for orders submitted by telephone, facsimile, and other electronic means of communication. Orders received via mail will be priced at the next NAV. The Exchange states that AP orders by mail are exceedingly rare. Orders are received by the Marketing Agent and relayed to the Managing Owner within ten minutes. As such, the Managing Owner will know by approximately 50 minutes before the earliest underlying close the number of creation/redemption orders by APs for that day. Primary orders are then placed at approximately 30 minutes prior to the earliest underlying close using methods and order types that the Managing Owner believes will most accurately replicate the close of the Underlying Benchmark. Approximately five minutes before the earliest underlying close, the Managing Owner will again look at the exposure to make sure that the orders placed are consistent with the Solution, and as described above, the Managing Owner will execute any other transactions in Financial Instruments (secondary orders) to assure that the Fund's exposure is consistent with the Solution.

Benchmark or index	Create or redeem cutoff (Earliest close–60 min)	Managing owner notified (Earliest close–50 min)	Primary order placed (Earliest close–30 min)	First secondary order (Earliest close–5 min)	Close of earliest underlying	NAV calculation time (Close of last underlying)[22]
Silver	6 a.m.	6:10 a.m.	6:30 a.m.	6:55 a.m.	7 a.m.	7 a.m.
Gold	9 a.m.	9:10 a.m.	9:30 a.m.	9:55 a.m.	10 a.m.	10 a.m.
DJ–AIG	12:30 p.m.	12:40 p.m.	1 p.m.	1:25 p.m.	1:30 p.m.	2:15 p.m.

[19] Several factors may cause a Fund to vary from the relevant Underlying Benchmark and applicable investment objective including: (1) A Fund's expenses, including brokerage and the cost of the investment techniques employed by that Fund; (2) less than all of the components in the Underlying Benchmark being held by a Fund and components not included in the Underlying Benchmark being held by a Fund; (3) an imperfect correlation between the performance of Financial Instruments held by a Fund and the performance of the Underlying Benchmark; (4) bid-ask spreads; (5) holding instruments traded in a market that has become illiquid or disrupted; (6) a Fund's Share prices being rounded to the nearest cent; (7) changes to the Underlying Benchmark that are not disseminated in advance; (8) the need to conform a Fund's portfolio holdings to comply with investment restrictions or policies or regulatory or tax law requirements; and (9) early and unanticipated closings of the markets on which the holdings of a Fund trade, resulting in the inability of the Fund to execute intended portfolio transactions.

[20] Correlation is the strength of the relationship between (1) the change in a Fund's NAV and (2) the change in the Underlying Benchmark (investment objective). The statistical measure of correlation is known as the ''correlation coefficient.'' A correlation coefficient of +1 indicates a perfect positive correlation, while a value of −1 indicates a perfect negative (inverse) correlation. A value of zero would mean that there is no correlation between the two variables.

[21] An Authorized Participant must (1) Be a registered broker-dealer or other securities market participant, such as a bank or other financial institution that is not required to register as a broker dealer to engage in securities transactions, (2) be a Depository Trust Corporation participant, and (3) have entered into an agreement with each Fund and the Managing Owner.

Benchmark or index	Create or redeem cutoff (Earliest close–60 min)	Managing owner notified (Earliest close–50 min)	Primary order placed (Earliest close–30 min)	First secondary order (Earliest close–5 min)	Close of earliest underlying	NAV calculation time (Close of last underlying)[22]
Agriculture:						
DJ–AIG	10:45 a.m.	10:55 a.m.	11:15 a.m.	11:40 a.m.	11:45 a.m.	2:30 a.m.
Commodity:						
DJ–AIG	1:30 p.m.	1:40 p.m.	2 p.m.	2:25 p.m.	2:30 p.m.	2:30 p.m.
Crude Oil:						
Euro	3 p.m.	3:10 p.m.	3:30 p.m.	3:55 p.m.	4 p.m.	4 p.m.
Yen	3 p.m.	3:10 p.m.	3:30 p.m.	3:55 p.m.	4 p.m.	4 p.m.

Description of Investment Techniques. In attempting to achieve its individual investment objectives, a Fund will invest its assets in, and will hold only, Financial Instruments. Each Fund may hold Financial Instruments for the purposes of attempting to gain exposure to the components of its Underlying Benchmark, without actually transacting in such underlying components.

The counterparties to the Financial Instruments, such as swap agreements, forward contracts, equity caps, collars, and floors that a Fund may use will be Futures Commission Merchants, major broker-dealers, and banks. To protect itself from the credit risk that arises in connection with swap agreements, forward contracts, equity caps, collars, and floors, each Fund will enter into agreements with each counterparty that provide for the netting of its overall exposure to its counterparty and/or provide collateral or other credit support to address the Fund's exposure. The counterparties to such an agreement will generally be major broker-dealers and banks or their affiliates, although certain institutions, such as large energy companies or other institutions active in the commodities markets, may also be counterparties. The Managing Owner will assess or review, as appropriate, the creditworthiness of each potential or existing counterparty to such an agreement. Furthermore, the Managing Owner for each Fund will only enter into agreements with: (1) Members of the Federal Reserve System, foreign banks with branches regulated by the Federal Reserve Board, or foreign banks with representative offices regulated by the Federal Reserve Board; (2) primary dealers in U.S. government securities; (3) broker-dealers; (4) Commodities Futures Merchants; or (5) affiliates of the foregoing.

[22] For Silver and Gold, the NAV calculation time may vary due to differences in when daylight savings time is effective between London and New York. The actual times will equate to noon LT for Silver and 3 p.m. LT for Gold.

Creation and Redemption of Shares. The Funds will create and redeem Shares in one or more blocks of at least 50,000 Shares of a Fund (''Creation Units''). The Funds will be purchased and redeemed entirely for cash (''Cash Deposit Amount''). The use of the Cash Deposit Amount for the purchase and redemption of Creation Units is due to the limited transferability of Financial Instruments. The Funds will issue and redeem the Shares on a continuous basis, by or through Authorized Participants at the NAV per Share next determined after an order to purchase the Shares is received in proper form. Creation Units may be created or redeemed only by Authorized Participants. Except when aggregated in Creation Units, the Shares are not redeemable securities. Authorized Participants may pay a fixed transaction fee of $500 in connection with each order to create or redeem a Creation Unit, regardless of the number of Creation Units. A variable transaction fee of up to 0.10% of the value of each Creation Unit may also be applicable to each creation/redemption transaction. Authorized Participants may sell the Shares included in the Creation Units they purchase from the Funds to other investors.

On any business day,[23] an Authorized Participant may place an order with the Marketing Agent or Administrator to create one or more Creation Units. For Funds that track an Underlying Benchmark commodity, purchase orders must be placed one hour before the London ''fix'' for such commodity, *i.e.*, 2 p.m. LT (9 a.m. ET) for gold and 11 a.m. LT (6 a.m. ET) for silver. For Funds that are benchmarked against an Underlying Index, purchase orders must be placed one hour prior to the closing of the underlying commodity futures contract on the primary exchange upon which the benchmarked commodity futures contract trades. Where an Underlying Index contains multiple commodities, purchase orders must be placed one hour before the earliest futures contract close contained in the Underlying Index. For Funds that track an Underlying Benchmark currency, purchase orders must be placed one hour before the close of NYSE, normally 4 p.m. ET. The day on which the Administrator or Marketing Agent receives a valid purchase order is the purchase order date. Purchase orders are irrevocable by an Authorized Participant. By placing a purchase order, and prior to delivery of such Creation Units, an Authorized Participant's DTC account will be charged the non-refundable transaction fee due for the purchase order.

The procedures by which an Authorized Participant can redeem one or more Creation Units are the same as those for the creation of Creation Units. An Authorized Participant may place an order with the Marketing Agent or Administrator to redeem one or more Creation Units. Redemption orders, which are irrevocable, must be placed one hour prior to the closing of the relevant closing times. The day on which the Marketing Agent or Administrator receives a valid redemption order is the redemption order date. By placing a redemption order, an Authorized Participant agrees to deliver the Creation Units to be redeemed through DTC's book-entry system to the applicable Fund not later than noon ET, on the third business day immediately following the redemption order date. By placing a redemption order, and prior to receipt of the redemption proceeds, an Authorized Participant's DTC account will be charged the non-refundable transaction fee due for the redemption order.

Retail investors seeking to purchase or sell Shares on any day are expected to effect such transactions in the secondary market at the market price per Share,

[23] For purposes of processing both purchase and redemption orders, a ''business day'' means any day other than a day when any of Amex, the New York Stock Exchange LLC (''NYSE''), the Chicago Mercantile Exchange (''CME''), CBOT, IntercontinentalExchange (''ICE'')/New York Board of Trade (''NYBOT''), LME, or NYMEX is closed for regular trading.

rather than in connection with the creation or redemption of Creation Units. The Exchange believes that the Shares will not trade at a material discount or premium to the value of the assets held by the Funds based on potential arbitrage opportunities. Due to the fact that the Shares can be created and redeemed only in Creation Units at NAV, the Exchange submits that arbitrage opportunities should provide a mechanism to mitigate the effect of any premiums or discounts that may exist from time to time. The Exchange believes that market professionals will have the ability to arbitrage Shares of the Funds in a manner similar to conventional index-based exchange-traded funds. The disclosure of portfolio holdings and the availability of the Indicative Fund Value (as defined below) and other pricing information about portfolio holdings will permit arbitrageurs to identify when the market price of the Shares is higher or lower than the value of the portfolio. As a result, these market professionals will buy Shares when they are priced lower than the portfolio and sell Shares when they are priced higher than the portfolio, thereby moving prices back in line with the value of the portfolio. Actual and potential arbitrage of this nature should help the secondary market prices of the Shares to remain close to NAV.

Net Asset Value (NAV). The NAV of a Fund is total assets including, but not limited to, all cash and cash equivalents or other debt securities, *less* total liabilities, each determined on the basis of generally accepted accounting principles. In particular, the NAV includes any unrealized profit or loss on open Financial Instruments and any other credit or debit accruing to a Fund, but unpaid or not received.

The NAV per Share of each Fund is computed by dividing the value of the net assets of such Fund (*i.e.*, the value of its total assets, *less* total liabilities) by its total number of Shares outstanding. Expenses and fees are accrued daily and taken into account for purposes of determining NAV. The NAV of each Fund is calculated by the Administrator and is determined each business day as set forth in the chart above.

The Exchange represents that it will obtain a representation (prior to listing the Shares of the Funds) from the Trust that the NAV per Share will be calculated daily and made available to all market participants at the same time.

Availability of Information Regarding the Shares. The Web sites for the Fund and/or the Exchange, which are publicly accessible at no charge, will contain the following information: (1) The daily current NAV per Share, the prior business day's NAV per Share, and the reported closing price; (2) the mid-point of the bid-ask price in relation to the NAV per Share as of the time it is calculated (the ''Bid-Ask Price''); [24] (3) calculation of the premium or discount of such price against the NAV per Share; (4) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV per Share, within appropriate ranges for each of the four previous calendar quarters; (5) the applicable prospectus; and (6) other applicable quantitative information.

As described above, the NAV per Share will be calculated and disseminated daily. Amex will disseminate for the Funds on a daily basis by means of the Consolidated Tape Association/Consolidated Quotation High Speed Lines information with respect to the corresponding Indicative Fund Value (as discussed below), recent NAVs per Share, and the number of Shares outstanding. The Exchange will also make available on its Web site daily trading volume of the Shares, closing prices of the Shares, and the NAV per Share. The closing and settlement prices of the futures contracts held by the Funds are also readily available from CME, NYMEX, CBOT, ICE/NYBOT, LME, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. Real-time dissemination of spot pricing for gold, silver, euro, and Japanese yen is available on a 24-hour basis worldwide from various major market data vendors.

Each Fund's total portfolio composition will be disclosed on the Web site of the Trust (*http://www.proshares.com*) or another relevant Web site as determined by the Trust and/or the Exchange. The Trust will provide Web site disclosure of portfolio holdings daily and will include, as applicable, the names and number of Financial Instruments and characteristics of such instruments and cash equivalents, and amount of cash held in the portfolio of each Fund. This Web site disclosure of the portfolio composition of each Fund will occur at the same time as the disclosure by the Managing Owner of the portfolio composition to Authorized Participants so that all market participants are provided portfolio composition information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current portfolio composition of each Fund through the Trust's Web site and/or at the Exchange's Web site at *http://www.amex.com*.

The value of each Underlying Benchmark will be updated intra-day on a real time basis as its components change in price. The daily closing index value and the percentage change in the daily closing index value for each Underlying Index will be publicly available on various Web sites, such as *http://www.ino.com* and *http://www.finance.yahoo.com*. Data regarding each Underlying Index is also available from the respective index provider to subscribers. In addition, data is also available regarding the underlying component commodities of each Underlying Index from those futures exchanges that list and trade futures contracts on those commodities. Several independent data vendors also package and disseminate index data in various value-added formats (including vendors displaying both index constituents and index levels and vendors displaying index levels only).

Data regarding spot pricing of the Underlying Benchmark commodities (gold and silver) is publicly available on a 24-hour basis from various financial information service providers, such as Reuters and Bloomberg. In addition, the daily London fix for gold and silver is also disseminated by various market data vendors and is available from the LBMA Web site at *http://www.lbma.org.uk*. Data regarding futures contracts and options on futures contracts in connection with the Underlying Benchmark commodities is also available from NYMEX at *http://www.nymex.com*.

There is considerable public price and data information regarding the Underlying Benchmark currencies (euro and Japanese yen). Spot pricing related to the foreign currency exchange is available to investors and market professionals on a 24-hour basis. A variety of public Web sites and professional and subscription services provide market and price information regarding the euro and the yen. Current spot prices are also generally available from foreign exchange dealers.

Dissemination of Indicative Fund Value. The Administrator calculates and disseminates, once each trading day, the NAV per Share to market participants. The Exchange represents that it will obtain a representation (prior to listing of the Funds) from the Trust that the NAV per Share will be calculated daily and made available to all market

[24] The Bid-Ask Price of Shares is determined using the highest bid and lowest offer as of the time of calculation of the NAV.

participants at the same time. In addition, the Administrator causes to be made available on a daily basis the corresponding Cash Deposit Amounts to be deposited in connection with the issuance of the respective Shares.

To provide updated information relating to the Funds for use by investors, professionals, and persons wishing to create or redeem the Shares, the Exchange will disseminate an updated ''Indicative Fund Value.'' The Indicative Fund Value will be disseminated on a per-Share basis at least every 15 seconds during regular Amex trading hours of 9:30 a.m. to 4 p.m. ET. The Indicative Fund Value will be calculated based on the cash required for creations and redemptions for a Fund, adjusted to reflect the price changes of the Financial Instruments.

The Exchange submits that the Indicative Fund Value on a per-Share basis disseminated during Amex trading hours should not be viewed as a real-time update of the NAV, which is calculated only once a day. The Exchange believes that dissemination of the Indicative Fund Value based on the cash amount required for a creation/redemption provides additional information that is not otherwise available to the public and is useful to professionals and investors in connection with the Shares trading on the Exchange or the creation or redemption of the Shares.

Criteria for Initial and Continued Listing. The Funds will be subject to the criteria in Commentary .07(d) of Amex Rule 1202 for initial and continued listing of the Shares. The Funds will accept subscriptions for Shares in Creation Units from Authorized Participants expected to be in a range from $20 to $70 per Share during an initial offering period, commencing with the initial effective date of the prospectus and terminating no later than the ninetieth (90) day following such date, unless (i) the subscription minimum is reached before that date and the Managing Owner determines to end the initial offering period early or (ii) that date is extended by the Managing Owner for up to an additional 90 days.

The anticipated minimum number of Shares for each Fund to be outstanding at the start of trading will be 50,000 Shares.[25] The Exchange believes that this anticipated minimum number of Shares for each Fund to be outstanding at the start of trading is sufficient to provide adequate market liquidity and to further the objectives of the Funds. The Exchange represents that, for the initial and continued listing of the Shares, the Shares must be in compliance with Section 803 of the Amex *Company Guide* and Rule 10A–3 under the Act.[26]

Trading Rules. The Shares are equity securities subject to Amex rules governing the trading of equity securities, including, among others, rules governing priority, parity, and precedence of orders, specialist responsibilities and account opening, and customer suitability (Amex Rule 411). Initial equity margin requirements of 50% will apply to transactions in the Shares. The Shares will trade on Amex until 4 p.m. ET each business day and will trade in a minimum price variation of $0.01 pursuant to Amex Rule 127–AEMI. Trading rules pertaining to odd-lot trading in Amex equities (Amex Rule 205–AEMI), stop and stop limit orders for securities that are derivatively priced (Amex Rule 154–AEMI), and the prevention of trade-through transactions of protected quotations (Amex Rule 126A–AEMI) will also apply to the Shares.

Specialist transactions in the Shares made in connection with the creation and redemption of Shares will not be subject to the prohibitions of Amex Rule 190(a).[27] The Shares will generally be subject to the Exchange's stabilization rule, Amex Rule 170, except that specialists may buy on ''plus ticks'' and sell on ''minus ticks,'' in order to bring the Shares into parity with (i) The underlying asset or commodity on which the Shares are based, (ii) the NAV of the Shares, or (iii) the futures contract(s) on the underlying asset or commodity on which the Shares are based. The Exchange notes that Commentary .07(f) to Amex Rule 1202 sets forth this limited exception to Amex Rule 170.

The trading of the Shares will also be subject to certain conflict of interest provisions set forth in Commentary .07(e) to Amex Rule 1202. Lastly, Commentary .07(g)(3) to Amex Rule 1202 prohibits the specialist in the Shares from using any material, non-public information received from any person associated with a member, member organization, or employee of such person regarding trading by such person or employee in the Underlying Index commodities, related futures, or options on futures, or any other related derivatives.

Surveillance. The Exchange submits that its surveillance procedures are adequate to detect and deter violations of Exchange rules relating to the trading of the Shares. The surveillance procedures will be similar to those used for other commodity-based TIRs, Commodity-Based Trust Shares, Currency Trust Shares, and exchange-traded funds and will incorporate and rely upon existing Amex surveillance procedures governing options and equities.

The Exchange states that it currently has in place comprehensive surveillance sharing agreements with ICE, LME, and NYMEX for the purpose of providing information in connection with the trading in futures contracts traded on their respective exchanges comprising the Underlying Benchmarks. The Exchange also notes that CBOT, CME, and NYBOT are members of the Intermarket Surveillance Group. As a result, the Exchange asserts that market surveillance information is available from relevant futures exchanges, if necessary, due to regulatory concerns that may arise in connection with the futures contracts

Information Circular. Amex will distribute an Information Circular to its members in connection with the trading of the Shares. The Information Circular, will discuss the special characteristics and risks of trading this type of security, such as commodity or currency fluctuation risk. Specifically, the Information Circular, among other things, will discuss: (1) What the Shares are and how Shares are created and redeemed; (2) the requirement that members and member firms deliver a prospectus to investors purchasing the Shares prior to or concurrently with the confirmation of a transaction, applicable Amex rules; (3) dissemination information and trading information; (4) applicable suitability rules;[28] (5) that

[25] E-mail from Jeffrey P. Burns, Vice President and Associate General Counsel, Amex, to Edward Cho, Special Counsel, Division of Trading and Markets, Commission, dated June 5, 2008 (confirming the minimum number of Shares for each Fund anticipated to be outstanding at the start of trading on the Exchange).

[26] *See* 17 CFR 240.10A–3.

[27] Amex Rule 190(a) states that no specialist or his member organization, or any member, officer, employee, or approved person therein, may, directly or indirectly, effect any business transaction with a company or any officer, director or 10% stockholder of a company in which stock the specialist is registered. *See* Commentary .05 to Amex Rule 190 (exempting specialists registered in a security issued by a trust, listed pursuant to, among other rules, Amex Rule 1202, from the requirements of Amex Rule 190(a)).

[28] The Exchange notes that pursuant to Amex Rule 411, members and member organizations are required in connection with recommending transactions in the Shares to have a reasonable basis to believe that a customer is suitable for the particular investment given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such member. *See* Commentary .05 to Amex Rule 411 (providing heightened suitability requirements for derivative securities seeking to provide investment results that

the Fund is subject to various fees and expenses described in the Registration Statement; (6) that there is no regulated source of last-sale information regarding physical commodities and currencies, that the SEC has no jurisdiction over the trading of physical commodities or currencies, and that the CFTC has regulatory jurisdiction over the trading of futures contracts and options on futures contracts; (7) the procedures for purchases and redemptions of Shares and that Shares are not individually redeemable but are redeemable only in one or more Creation Units; (8) any relief, if granted, by the Commission from any rules under the Act; (9) that the trading hours of the Shares will be from 9:30 a.m. to 4 p.m. ET and that the NAV for the Shares will be calculated shortly after 4 p.m. ET each trading day; and (10) information about the Shares will be publicly available on the Amex Web site and the Funds' Web sites.

Trading Halts. The Exchange states that the Information Circular will also inform members of Exchange policies regarding trading halts in the Shares. Specifically, trading in the Shares will be halted in the event the market volatility trading halt parameters set forth in Amex Rule 117 have been reached. Second, in addition to the parameters set forth in Amex Rule 117, the Exchange will halt trading in the Shares if trading in a significant number of underlying related futures contract(s) is halted or suspended. Third, the Exchange will halt trading if it becomes aware that a Fund's NAV or disclosure of the portfolio composition is not being disseminated or has not been disseminated to all market participants at the same time. Fourth, the Exchange will halt trading in the Shares if the value of an Underlying Benchmark is no longer calculated or available on at least a 15-second basis through one or more major market data vendors during the time the Shares trade on Amex or if an Indicative Fund Value per Share updated every 15 seconds is no longer calculated or available.[29] Fifth, with respect to a halt in trading that is not specified above, the Exchange may also consider other relevant factors and the existence of unusual conditions or circumstances that may be detrimental to the maintenance of a fair and orderly market.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[30] in general, and furthers the objectives of Section 6(b)(5) of the Act,[31] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, to protect investors and the public interest. The Exchange believes that the proposal will facilitate the listing and trading of additional types of commodity- and currency-based investments that will enhance competition among market participants, to the benefit of investors and the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange states that no written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 Amex 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–Amex–2008–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2008–39. 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–Amex–2008–39 and should be submitted on or before July 3, 2008.

either exceed the performance of an underlying reference asset by a specified multiple or that correspond to the inverse (opposite) of the performance of an underlying reference asset by a specified multiple). E-mail from Jeffrey P. Burns, Vice President and Associate General Counsel, Amex, to Edward Cho, Special Counsel, Division of Trading and Markets, Commission, dated June 5, 2008.

[29] If the value of the Underlying Benchmark or the Indicative Fund Value is not being disseminated on at least a 15-second basis during the hours the Shares trade on the Exchange, the Exchange may halt trading during the day in which the interruption to the dissemination of the value of the Underlying Benchmark or the Indicative Fund Value occurs. If the interruption to the dissemination the value of the Underlying Benchmark or the Indicative Fund Value persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

[30] 15 U.S.C. 78f(b).

[31] 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–13159 Filed 6–11–08; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57928; File No. SR–CBOE–2008–57]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the Class Quoting Limit in GLD Options

June 5, 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 June 3, 2008, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Exchange has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule under Section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the class quoting limit in the option class SPDR Gold Trust (GLD). The text of the proposed rule change is available on CBOE's Web site (*http://www.cboe.org/legal*), at the CBOE's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 8.3A, *Maximum Number of Market Participants Quoting Electronically per Product*, establishes class quoting limits (''CQLs'') for each class traded on the Hybrid Trading System or Hybrid 2.0 Platform.[5] A CQL is the maximum number of quoters that may quote electronically in a given product and Rule 8.3A, Interpretation .01(a) provides that the current levels are generally established at 50.

In addition, Rule 8.3A, Interpretation .01(b) provides a procedure by which the President of the Exchange may increase the CQL for an existing or new product. In this regard, the President of the Exchange may increase the CQL in exceptional circumstances, which are defined in the rule as ''substantial trading volume, whether actual or expected.''[6] The effect of an increase in the CQL is procompetitive in that it increases the number of market participants that may quote electronically in a product. The purpose of this filing is to increase the CQL in GLD options from its current limit of 50 to 75.

CBOE anticipates that there will be substantial trading volume in this class. In addition, increasing the CQL to 75 will accommodate Market-Makers that are currently on the wait-list to be appointed to the option class. Increasing the CQL in this option will enable the Exchange to enhance the liquidity offered, thereby offering deeper and more liquid markets. Lastly, CBOE represents that it has the systems capacity to support this increase in the CQL.

2. Statutory Basis

Accordingly, CBOE believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest. As indicated above, the Exchange believes that increasing the CQL in this option class will enable the Exchange to enhance the liquidity offered, thereby offering deeper and more liquid markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither received nor solicited written comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change will take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(i) of the Act[9] and Rule 19b–4(f)(1) thereunder,[10] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

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.

[32] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] *See* Rule 8.3A.01.

[6] ''Any actions taken by the President of the Exchange pursuant to this paragraph will be submitted to the SEC in a rule filing pursuant to Section 19(b)(3)(A) of the Exchange Act.'' Rule 8.3A.01(b).

[7] 15 U.S.C. 78(f)(b).

[8] 15 U.S.C. 78(f)(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(i).

[10] 17 CFR 240.19b–4(f)(1).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2008–57 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2008–57. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2008–57 and should be submitted on or before July 3, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–13220 Filed 6–11–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57924; File No. SR–NASDAQ–2008–048]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Modifying Pricing for Nasdaq Members Using the Nasdaq Market Center

June 5, 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 May 30, 2008, The NASDAQ Stock Market LLC (''Nasdaq'' 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 prepared substantially by Nasdaq. Nasdaq has designated this proposal as one establishing or changing a member due, fee, or other charge imposed by Nasdaq 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

Nasdaq proposes to modify pricing for Nasdaq members using the Nasdaq Market Center. Nasdaq will implement this rule change on June 2, 2008. The text of the proposed rule change is available at *http://www.nasdaq.com,* the principal offices of the Exchange, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to increase the liquidity provider credit paid to high volume liquidity providers with respect to their transactions in securities listed on exchanges other than Nasdaq and the New York Stock Exchange (''Tape B Securities''). At the same time, Nasdaq is proposing to eliminate its market data revenue sharing program for executions of Tape B Securities occurring on Nasdaq. Finally, Nasdaq is proposing to delete Nasdaq Rule 7024, which formerly established a revenue sharing program for market participants trading on Nasdaq's discontinued SuperMontage trading system.

Currently, members that provide an average daily volume through the Nasdaq Market Center in all securities during the month of more than 35 million shares of liquidity provided receive a credit of $0.0028 per share for executions against displayed liquidity and $0.0015 per share for executions against non-displayed liquidity. For executions in Tape B Securities only, Nasdaq is increasing the credit for executions against displayed liquidity to $0.0031.

As is currently the case, members with an average daily volume through the Nasdaq Market Center in all securities during the month of more than 20 million shares of liquidity provided (but that do not qualify for the higher credit described in the preceding sentence) will receive a credit of $0.0025 per share for executions against displayed liquidity and $0.001 per share for executions against non-displayed liquidity; and other members will receive a credit of $0.002 per share for executions against displayed liquidity and $0.001 per share for executions against non-displayed liquidity.

At the same time, Nasdaq is eliminating its program for market data revenue sharing in Tape B securities. Currently, Nasdaq pays to liquidity providers in Tape B Securities 50% of the market data revenue associated with transactions in Tape B Securities executed through the Nasdaq Market

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

Center. Nasdaq believes that by focusing incentives for liquidity provision solely on direct transaction credits and away from market data revenue sharing, Nasdaq will enhance the transparency of its pricing. Nasdaq believes that market participants will prefer this approach because revenue sharing is paid on an estimated monthly basis with a quarterly ''true-up'', and therefore the value of revenue sharing is difficult for market participants to predict in advance. As a result of the change, Nasdaq will no longer share market data revenue with its market participants. Revenue sharing with firms reporting over-the-counter trades to the FINRA/NASDAQ Trade Reporting Facility will continue, however, as provided by NASD Rule 7001B.

These changes reflect the continued extent of competition among transaction execution venues for all securities, including Tape B Securities. Notably, NYSE Arca has recently submitted a proposed rule change to reduce Tape B Securities execution and routing fees for market participants with high volumes of order execution, routing and liquidity provision.[5] Nasdaq believes that by increasing the liquidity provider credit for market participants with high volumes of liquidity provision while simplifying pricing through the elimination of market data revenue sharing, Nasdaq will attract higher levels of liquidity and transparency to its market, notwithstanding pricing changes by competing venues.

Finally, Nasdaq is deleting Rule 7024, which is now obsolete and may be removed from the Nasdaq rulebook. The rule provided for sharing a percentage of operating revenue, as determined by the Nasdaq Board of Directors, with ''Nasdaq Quoting Market Participants,'' as defined in former Rule 4701. Rule 4701 defined categories of participants in Nasdaq's former SuperMontage execution system, which ended operations in 2006.[6] Accordingly, the rule became obsolete at that time, and revenue sharing under the rule was discontinued.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and with Section 6(b)(4) of the Act,[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls.

The impact of the changes upon the net fees paid by a particular market participant will depend upon a number of variables, including its monthly volume, the order types it uses, and the prices of its quotes and orders (*i.e.*, its propensity to add or remove liquidity). Nasdaq notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. Although the proposed rule change may increase net charges for market participants that trade Tape B Securities through Nasdaq but that do not provide high levels of liquidity, Nasdaq believes that its fees remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to those members that opt to direct orders to Nasdaq rather than competing venues.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and Rule 19b–4(f)(2)[10] thereunder, because it establishes or changes a due, fee, or other charge imposed on members by Nasdaq. Accordingly, the proposal is effective upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2008–048 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2008–048. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NASDAQ–2008–048 and should be submitted on or before July 3, 2008.

[5] SR–NYSEArca–2008–53.

[6] Securities Exchange Act Release No. 54155 (July 14, 2006), 71 FR 41291 (July 20, 2006) (SR–NASDAQ–2006–001).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–13158 Filed 6–11–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57923; File No. SR–Phlx–2008–12]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to an Exemption From Examination Requirements for Off-Floor Traders

June 4, 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 April 14, 2008, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by the Exchange. On May 30, 2008, Phlx 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

Phlx proposes to amend Phlx Rule 604(e)(iii) to modify the category of persons subject to an exemption from the requirement that Off-Floor Traders[4] complete the Series 7 General Securities Registered Representative Examination (''Series 7'').

The text of the proposed rule change is available on Phlx's Web site at *http://www.phlx.com*, at Phlx's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx Rule 604(e)(i) states that Off-Floor Traders must successfully complete the Series 7. Currently, Phlx Rule 604(e)(iii) provides exceptions to the Series 7 requirement for Off-Floor Traders. The purpose of the proposed rule change is to modify the category of persons allowed an exemption from the requirement that Off-Floor Traders complete the Series 7. Phlx believes this proposed change would better capture the floor-based activities of Former Floor Participants, as defined below, in the exception from the Series 7 requirement, make the administration of the Series 7 requirements for Off-Floor Traders more efficient, and improve Phlx's examination and enforcement efforts.

Background. Phlx adopted Rule 604(e) in 1999. At that time, Phlx stated that it believed the Series 7 requirement would primarily apply to persons ''associated with limited liability companies (''LLC'') for the purpose of trading securities off the floor of the Exchange for the firm's account.''[5] These persons are also known as ''Day Traders.'' Phlx stated that these Day Traders ''generally become members of an LLC to avail themselves of good faith margin provided through the LLC's Joint Back Office agreement with its clearing agent.''[6] In 1999, equity trading on Phlx took place on a physical trading floor. Persons who traded on Phlx's equity trading floor were associated with either a specialist organization, or a floor brokerage organization that executed orders on an agency basis and were not, by definition, Off-Floor Traders. Therefore, they were not subject to the requirement in Phlx Rule 604(e)(i) to successfully complete the Series 7.

Phlx eliminated the physical equity trading floor in 2006 and replaced it with XLE, an electronic equity trading system.[7] At the time of the transition to XLE, persons trading on Phlx's equity trading floor were associated with either a specialist organization or a floor brokerage organization that executed orders on an agency basis. Those persons (''Former Floor Participants'') then became participants in XLE; however, because there was no longer any physical trading floor, these Former Floor Participants became Off-Floor Traders for purposes of Phlx Rule 604(e)(i) and were, therefore, subject to the Series 7 requirement.

Phlx did not intend for the transition to XLE to require Former Floor Participants to become subject to the Series 7 requirement, so Phlx adopted an exception to the Series 7 requirement (''XLE Participant Exemption'').[8] The XLE Participant Exemption is available to those persons who are ''primarily engaged'' in either submitting orders to XLE, or making trading decisions with respect to trading on XLE. Phlx intended that the XLE Participant Exemption would cover Former Floor Participants and maintain the status quo ante; Former Floor Participants would not be subject to the Series 7 requirement. Phlx proposes to modify this XLE Participant Exemption as discussed below.

Current Situation. Currently, there are approximately 27 persons in four member organizations that are Former Floor Participants. In order to determine if a Former Floor Participant qualifies for the XLE Participant Exemption, first, the Former Floor Participant and then, Phlx examination staff consider all of the activity performed by a Former Floor Participant and compare that to trading activity on XLE. If Phlx determines to bring an enforcement action for non-compliance with Phlx Rule 604(e), Phlx enforcement staff must successfully allege that the Former Floor Participant was not ''primarily engaged'' in the activity stated in the XLE Participant Exemption. Phlx wants to continue to exempt Former Floor

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 supersedes and replaces the original rule filing in its entirety.

[4] Phlx Rule 604(e)(i) defines an off-floor trader as a ''person who is compensated directly or indirectly by a member or participant organization for which the Exchange is the DEA [Designated Examining Authority], or any other associated person of such member or participant organization, and who executes, makes trading decisions with respect to, or otherwise engages in proprietary or agency trading of securities, including, but not limited to, equities, preferred securities, convertible debt securities or options off the floor of the Exchange.''

[5] *See* Securities Exchange Act Release No. 41776 (August 20, 1999), 64 FR 47214 (August 30, 1999) (SR–Phlx–99–07).

[6] *Id.,* at 47215.

[7] *See* Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006) (SR–Phlx–2006–43).

[8] The XLE Participant Exemption is in the second half of Phlx Rule 604(e)(iii) and refers to an Off-Floor Trader ''who is primarily engaged in (A) submitting proprietary or agency orders for execution on XLE, or (B) making trading decisions with respect to trading on XLE.'' Phlx proposes to modify this provision.

Participants from the Series 7 requirement but believes a modification of the XLE Participant Exemption would assist its examination and enforcement efforts regarding the Series 7 requirement.

Proposal. Phlx therefore proposes to modify the exemption to apply to Market Maker Authorized Traders [9] (''MMATs'') and Off-Floor Traders who solely handle and/or make trading decisions regarding agency orders and any bona fide errors [10] related to those agency orders (''Agency Brokers''). Phlx believes that the proposal would maintain an exemption for Former Floor Participants who are Off-Floor Traders but would still require Day Traders to successfully complete the Series 7.[11]

MMATs are those persons associated with Market Makers [12] who perform the market maker functions for the Market Maker. MMATs correspond to specialists, the former market makers on the physical equity trading floor. MMATs are required to register with Phlx and therefore are easily identified. MMATs, by virtue of their responsibilities to constantly maintain orders on XLE, focus on trading on XLE and are not functioning as Day Traders that routinely trade at multiple venues. Also, because Day Traders trade for their own account, they would not, by definition, qualify for the exemption for Agency Brokers. Agency Brokers correspond to former floor brokerage organizations that handled agency orders while on the former physical equity trading floor.[13] Some Agency Brokers, including Former Floor Participants, may trade primarily on markets other than Phlx and would therefore not qualify for the XLE Participant Exemption.[14] Further, Phlx has proposed Supplementary Material to Phlx Rule 604 which states that the Series 7 requirement and exemption for MMATs in Phlx Rule 604(e) is independent of the requirements applicable to MMATs in Phlx Rule 171(b)(5).

The proposed exemption would focus on either the status of or the type of activity performed by the Former Floor Participant, not on the relative amount of activity done on XLE. This should simplify the process for Phlx examination staff because XLE Participants need to register with the Exchange to be a MMAT, so the determination of MMAT status is straightforward. In addition, Phlx staff can examine what type of orders (agency or proprietary) Off-Floor Traders handle for net capital purposes and could identify whether Off-Floor Traders would qualify for the proposed exemption. Phlx believes that the proposed exemption would enable Phlx staff to more efficiently examine for compliance with Phlx Rule 604(e) and, if necessary, to conduct enforcement activities than the current XLE Participant Exemption.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5) of the Act [16] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Phlx believes that modifying the category of persons allowed an exemption from the requirement that Off-Floor Traders complete the Series 7 will make the administration of the Series 7 requirements for Off-Floor Traders at Phlx more efficient, improve Phlx's examination and enforcement efforts, and better capture the former floor-based activities of Former Floor Participants that are excepted from the Series 7 requirement.

B. Self-Regulatory Organization's Statement on Burden on Competition

Phlx 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Phlx 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–Phlx–2008–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2008–12. 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

[9] *See* Phlx Rule 1(m).

[10] If an Agency Broker makes an error in executing an order for its customer, for example purchasing 100 shares of symbol IBC instead of symbol IBM as instructed by the customer, the Agency Broker has an error. The method used to correct this error involves the Agency Broker taking the security purchased in error, 100 shares of IBC, in its error account (*See* Phlx Rule 703(c)(vi)), which is a proprietary account solely for the handling of errors. Then the Agency Broker purchases the correct security for its customer. The Agency Broker then must make a proprietary transaction to close out the position in its error account, in this case a sale of the 100 shares of IBC.

[11] Phlx believes that, at the time of filing of Amendment No. 1, everyone that would have qualified for the XLE Participant Exemption would also qualify for the proposed exemption, and no person other than Former Floor Participants would qualify for the proposed exemption.

[12] *See* Phlx Rule 1(l).

[13] Phlx Rule 604(a) requires anyone who conducts a public business or has duties customarily performed by a Registered Representative to maintain an effective Series 7 or equivalent predecessor examination/registration. This provision is independent of Phlx Rule 604(e)(iii) and not affected by this proposal.

[14] The proposed exemption at Phlx would not preclude the effect of the rules regarding the Series 7 at other markets.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. 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–Phlx–2008–12 and should be submitted on or before July 3, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–13157 Filed 6–11–08; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57936; File No. SR–Phlx–2008–36]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to List and Trade Options on Full and Reduced Values of the Nasdaq–100 Index

June 6, 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 June 4, 2008, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange has designated the proposed rule change as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, pursuant to Section 19(b)(1) of the Act[5] and Rule 19b–4 thereunder,[6] proposes to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options), Rule 1001A (Position Limits), and Rule 1101A (Terms of Options Contracts), to enable the Exchange to list and trade options on full and reduced values of the Nasdaq–100 Index. Phlx also proposes to list and trade FLEX options[7] and long-term options[8] on full and reduced values of the Index. The text of the proposed rule change is available at Phlx, the Commission's Public Reference Room, and *http://www.phlx.com/exchange/phlx-rule-fil.htm*.

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. 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

In its filing with the Commission, Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4.

[7] FLEX Options are flexible exchange-traded options contracts that overlie equity on index securities. FLEX Options provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices. FLEX Options may have expiration dates within five years. *See* Phlx Rule 1079.

[8] Long term options are series of options having up to sixty months to expiration. They are structurally similar to shorter-term options and are sometimes known as Long-Term Entity Anticipation Securities (LEAPS). *See* Phlx Rule 1101A(b).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to list and trade cash-settled, European-style, index options, including FLEX options and long-term options, on the full and reduced values of the Nasdaq 100 Index (the ''Index''), a stock index calculated and maintained by Nasdaq.[9] Specifically, the Exchange proposes to list options based upon the full value of the Index (''Full-size Nasdaq 100 Index'' or ''NDX'') as well as one-tenth of the value of the Nasdaq 100 Index (''Mini Nasdaq 100 Index'' or ''MNX''). The options on NDX and MNX listed on Phlx will be identical to those already listed on multiple exchanges.

Phlx is filing the proposed rule change because options on the Nasdaq 100 Index will not otherwise qualify for listing on the Exchange due to the component weightings of the Index. Specifically, Phlx Rule 1009A(d), which allows the listing of options on a broad-based index currently requires that no component of a broad-based index account for more than ten percent of the weight of the index.[10] Therefore, like the six other options exchanges that currently trade options on the Index, Phlx is seeking approval to list and trade options on the Index under the conditions and according to the standards set forth below.

This filing is based on a recently authorized Nasdaq proposal to list full and reduced value options on the Index.[11]

Index Design and Composition

The Index was launched in January 1985 and represents the largest non-financial domestic and international issues listed on Nasdaq based on market capitalization. The Index reflects companies across major industry groups, including computer hardware and software, telecommunications, retail/wholesale trade, and biotechnology.

The Index is calculated using a modified capitalization-weighted methodology. The value of the Index equals the aggregate value of the Index share weights of each of the component securities multiplied by each security's

[9] A description of the Index is available on Nasdaq's Web site at *http://dynamic.nasdaq.com/dynamic/nasdaq100_activity.stm*.

[10] *See* Securities Exchange Act Release No 54158 (July 17, 2006), 71 FR 41853, (July 24, 2006)(SR–Phlx–2006–17).

[11] *See* Security Exchange Act Release No 57654 (April 11, 2008), 73 FR 21003 (April 17, 2008)(SR–NASDAQ–2008–028).

respective official closing price on Nasdaq, divided by the Divisor. The Divisor serves the purpose of scaling such aggregate value (otherwise in the trillions) to a lower order of magnitude which is more desirable for Index reporting purposes. If trading in an Index security is halted while the market is open, the last Nasdaq traded price for that security is used for all index computations until trading resumes. If trading is halted before the market is open, the previous day's official closing price is used. Additionally, the Index ordinarily is calculated without regard to dividends on component securities. The modified capitalization-weighted methodology is expected to retain, in general, the economic attributes of capitalization weighting, while providing enhanced diversification. To accomplish this, Nasdaq reviews the composition of the Index quarterly and adjusts the weighting of Index components using a proprietary algorithm, if certain pre-established weight distribution requirements are not met.

Nasdaq has certain eligibility requirements for inclusion in the Index.[12] For example, to be eligible for inclusion in the Index, a component security must be exclusively listed on the Nasdaq Global Select or Nasdaq Global Market, or dually listed on a national securities exchange prior to January 1, 2004.[13] Only one class of security per issuer is considered for inclusion in the Index.

Additionally, the issuer of a component security cannot be a financial or investment company and cannot currently be involved in bankruptcy proceedings. Criteria for inclusion also require the average daily trading volume of a component security to be at least 200,000 shares on Nasdaq. If a component security is of a foreign issuer, based on its country of incorporation, it must have listed options or be eligible for listed-options trading. In addition, the issuer of a component security must not have entered into any definitive agreement or other arrangement which will likely result in the security no longer being Index eligible. An issuer of a component security also must not have annual financial statements with an audit opinion that is currently withdrawn.

As of December 31, 2007, the following were characteristics of the Index:

- The total capitalization of all components of the Index was $2.35 trillion;
- Regarding component capitalization, (a) The highest capitalization of a component was $333.05 billion (Microsoft Corp.), (b) the lowest capitalization of a component was $2.872 billion (Tellabs, Inc.), (c) the mean capitalization of the components was $23.53 billion, and (d) the median capitalization of the components was $8.71 billion;
- Regarding component price per share, (a) The highest price per share of a component was $691.48 (Google Inc.), (b) the lowest price per share of a component was $3.03 (Sirius Satellite Radio Inc.), (c) the mean price per share of the components was $55.05, and (d) the median price per share of the components was $35.10;
- Regarding component weightings, (a) The highest weighting of a component was 13.75% (Apple Inc.), (b) the lowest weighting of a component was 0.09% (Tellabs, Inc.), (c) the mean weighting of the components was 1.00%, (d) the median weighting of the components was 0.53%, and (e) the total weighting of the top five highest weighted components was 33.93% (Apple Inc., Microsoft Corporation, Google Inc., QUALCOMM Incorporated, and Research in Motion Limited.);
- Regarding component available shares, (a) The most available shares of a component was 8.11 billion shares (Microsoft Corp.), (b) the least available shares of a component was 22.68 million shares (Baidu.com, Inc.), (c) the mean available shares of the components was 577.60 million shares, and (d) the median available shares of the components was 211.69 million shares;
- Regarding the six-month average daily volumes of the components, (a) The highest six-month average daily volume of a component was 65.63 million shares (Microsoft Corp.), (b) the lowest six-month average daily volume of a component was 553,240 shares (Henry Schein, Inc.), (c) the mean six-month average daily volume of the components was 9.10 million shares, (d) the median six-month average daily volume of the components was 3.37 million shares, (e) the average of six-month average daily volumes of the five most heavily traded components was 285.37 million shares (Microsoft Corp., Intel Corp., Sun Microsystems, Inc., Cisco Systems, Inc., and Level 3 Communications, Inc.), and (f) 100% of the components had a six-month average daily volume of at least 50,000; and
- Regarding option eligibility, (a) 99.3% of the components were options eligible, as measured by weighting, and (b) 96.0% of the components were options eligible, as measured by number.

Index Calculation and Index Maintenance

In recent years, the value of the Full-size Nasdaq 100 Index has increased significantly, such that the value of the Index stood at 2084.93 as of December 31, 2007. As a result, the premium for the Full-size Nasdaq 100 Index options also has increased. The Exchange believes that this has caused Full-size Nasdaq 100 Index options to trade at a level that may be uncomfortably high for retail investors. The Exchange believes that listing options on reduced values will attract a greater source of customer business than if the options were based only on the full value of the Index. The Exchange further believes that listing options on reduced values will provide an opportunity for investors to hedge, or speculate on, the market risk associated with the stocks comprising the Index. Additionally, by reducing the values of the Index, investors will be able to use this trading vehicle while extending a smaller outlay of capital. The Exchange believes that this should attract additional investors and, in turn, create a more active and liquid trading environment.[14]

The Full-size Nasdaq 100 Index and the Mini Nasdaq 100 Index levels are calculated continuously, using the last sale price for each component stock in the Index, and are disseminated every 15 seconds throughout the trading day.[15] The Full-size Nasdaq 100 Index level equals the current market value of component stocks multiplied by 125 and then divided by the stocks' market value of the adjusted base period. The adjusted base period market value is determined by multiplying the current

[12] The initial eligibility criteria and continued eligibility criteria are available on Nasdaq's Web site at *http://dynamic.nasdaq.com/dynamic/nasdaq100_activity.stm*.

[13] In the case of spin-offs, the operating history of the spin-off will be considered by Nasdaq. Additionally, if a component security will otherwise qualify to be in the top 25% of securities included in the Index by market capitalization for the six prior consecutive months, it will be eligible if it had been listed for one year.

[14] Options trading on MNX have generated considerable interest from investors, as measured by its robust trading volume on multiple exchanges in the last quarter of 2007 (2,181,126 contracts total).

[15] Full-size Nasdaq 100 Index and Mini Nasdaq 100 Index levels are disseminated through the Nasdaq Index Dissemination Services (''NIDS'') during normal Nasdaq trading hours (9:30 a.m. to 4 p.m. ET). The Index is calculated using Nasdaq prices (not consolidated) during the day and the official closing price for the close. The closing value of the Index may change until 5:15 p.m. ET due to corrections to the NOCP of the component securities. In addition, the Index is published daily on Nasdaq's Web site and through major quotation vendors such as Reuters and Thomson's ILX.

market value after adjustments, times the previous base period market value and then dividing that result by the current market value before adjustments. To calculate the value of the Mini Nasdaq 100 Index, the full value of the Index is divided by ten. To maintain continuity for the Index's value, the divisor is adjusted periodically to reflect events such as changes in the number of common shares outstanding for component stocks, company additions or deletions, corporate restructurings, or other capitalization changes.

The settlement values for purposes of settling both Full-size Nasdaq 100 Index (''Full-size Settlement Value'') and Mini Nasdaq 100 Index (''Mini Settlement Value'') are calculated based on a volume-weighted average of prices reported in the first five minutes of trading for each of the component securities on the last business day before the expiration date (''Settlement Day'').[16] The Settlement Day is normally the Friday preceding ''Expiration Saturday.'' [17] If a component security in the Index does not trade on Settlement Day, the closing price from the previous trading day will be used to calculate both the Full-size Settlement Value and Mini Settlement Value.[18] Accordingly, trading in options on the Index will normally cease on the Thursday preceding an Expiration Saturday. Nasdaq monitors and maintains the Index. Nasdaq is responsible for making all necessary adjustments to the Index to reflect component deletions; share changes; stock splits; stock dividends; stock price adjustments due to restructuring, mergers, or spin-offs involving the underlying components; and other corporate actions. Some corporate actions, such as stock splits and stock dividends, require simple changes to the available shares outstanding and the stock prices of the underlying components.

The component securities are evaluated on an annual basis, except under extraordinary circumstances which may result in an interim evaluation, as follows: Securities listed on Nasdaq that meet its eligibility criteria are ranked by market value using closing prices as of the end of October and publicly available total shares outstanding as of the end of November. Eligible component securities which are already in the Index and ranked in the top 100 (based on market value) are retained in the Index. Component securities that are ranked from 101 to 125 are also retained, provided that those securities were ranked in the top 100 eligible securities as of the previous ranking review or have been added to the Index subsequent to the previous ranking review. Securities not meeting such criteria are replaced. The replacement securities chosen are those Index-eligible securities not currently in the Index that have the largest market capitalization.

Generally, the list of annual additions and deletions to the Index is publicly announced in early December, and changes to the Index are made effective after the close of trading on the third Friday in December. Moreover, if at any time during the year a component security is determined by Nasdaq to become ineligible for continued inclusion in the Index based on the continued eligibility criteria, that component security will be replaced with the largest market capitalization component not currently in the Index that met the eligibility criteria described earlier.

Phlx will monitor the Index on a quarterly basis, and will not list any additional series for trading and will limit all transactions in such options to closing transactions only for the purpose of maintaining a fair and orderly market and protecting investors if: (i) The number of securities in the Index drops by one-third or more; (ii) 10% or more of the weight of the Index is represented by component securities having a market value of less than $75 million; (iii) less than 80% of the weight of the Index is represented by component securities that are eligible for options trading pursuant to Phlx Rules 1000A *et seq.*; (iv) 10% or more of the weight of the Index is represented by component securities trading less than 20,000 shares per day; or (v) the largest component security accounts for more than 25% of the weight of the Index or the largest five components in the aggregate account for more than 50% of the weight of the Index.

Phlx represents that, if the Index ceases to be maintained or calculated, or if the Index values are not disseminated every 15 seconds by a widely available source, it will not list any additional series for trading and will limit all transactions in such options to closing transactions only for the purpose of maintaining a fair and orderly market and protecting investors.

Contract Specifications

The proposed contract specifications are identical to the contract specifications of NDX and MNX options that are currently listed on other exchanges. The Index is a broad-based index. Options on the Nasdaq 100 Index are European-style and A.M. cash-settled.[19] The Exchange's trading hours for index options (9:30 a.m. to 4:15 p.m. ET), will apply to options on the Nasdaq 100 Index.[20] Exchange rules that are applicable to the trading of options on broad-based indexes will apply to both NDX and MNX.[21] The trading of NDX and MNX options will be subject to, among others, Exchange rules governing margin requirements and trading halt procedures for index options.

The Exchange proposes to establish that there will be no position limits for any NDX options and any MNX options.[22] The Full-size Nasdaq 100 Index contracts will be aggregated with the Mini Nasdaq 100 Index contracts, where ten Mini Nasdaq 100 Index contracts equal one Full-size Nasdaq 100 Index contract.[23] Phlx will set strike price intervals for Mini Nasdaq 100 Index contracts and Full-size Nasdaq 100 Index contract that will be similar to the strike price intervals that are already being used by multiple exchanges that list these options.[24] The minimum increment size for series trading below $3 is $0.05, and for series trading at or above $3 is $0.10.[25] The Exchange's margin rules will be applicable.[26] The Exchange will list options on both the Full-size Nasdaq 100 Index and the Mini Nasdaq 100 Index in up to four consecutive expiration months plus up to three successive expiration months in the March cycle.[27] The Exchange intends to list the same NDX 100 Index options that are already listed by multiple other options exchanges. The trading of long-term Nasdaq 100 Index options will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules,

[16] The aggregate exercise value of the option contract is calculated by multiplying the Index value by the Index multiplier, which is 100.

[17] For any given expiration month, options on the Nasdaq 100 Index will expire on the third Saturday of the month.

[18] Full-size Settlement Values and Mini Settlement Values are disseminated by Nasdaq.

[19] *See* supra note 5.

[20] *See* Commentary .01 to Phlx Rule 1101A.

[21] *See* Phlx Rules 1000A *et seq.*

[22] *See* proposed Phlx Rules 1001A(a) 1079(d). The Exchange's proposed rule change establishing that there are no position limits on NDX and MNX is identical to that of other options exchanges. *See for example* CBOE Rules 24.4, 24A.7, and 24B.7.

[23] *See* Phlx Rule 1001A(e).

[24] *See* Phlx Rule 1101A. Based on the current strike price intervals in use for options on the Mini Nasdaq 100 Index and the Full-size Nasdaq 100 Index, Phlx plans to set MNX strike price intervals of $2.50 or $5.00 depending on the price of the underlying; and NDX strike price intervals of $5.00.

[25] *See* Phlx Rule 1034(a).

[26] *See* Phlx Rule 721 *et seq.*

[27] *See* Phlx Rule 1001A(b).

margin requirements, and trading rules.[28]

Surveillance and Capacity

The Exchange represents that it has an adequate surveillance program in place for options traded on the Index and intends to apply those same program procedures that it applies to the Exchange's other index options. Additionally, the Exchange is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement, dated June 20, 1994.[29] The ISG members work together to coordinate surveillance and investigative information sharing in the stock and options markets. In addition, the major futures exchanges are affiliated members of the ISG, which allows for the sharing of surveillance information for potential intermarket trading abuses.

The Exchange represents that it has the necessary systems capacity to support new options series that will result from the introduction of NDX, MNX, NDX LEAPS, and MNX LEAPS.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[30] in general, and furthers the objectives of Section 6(b)(5) of the Act[31] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by amending Phlx rules so that they are similar to the rules of other options exchanges, thereby enabling the Exchange to immediately list and trade full and reduced-size options on the NDX–100 Index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[32] and Rule 19b–4(f)(6) thereunder.[33]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[34] However, Rule 19b–4(f)(6)(iii)[35] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow Phlx to immediately list and trade NDX and MNX options, which are widely traded on multiple markets.

For this reason, the Commission designates the proposed rule change to be operative upon filing with the Commission.[36]

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2008–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2008–36. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of 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–Phlx–2008–36 and should be submitted on or before July 3, 2008.

[28] The Exchange proposes to conform its rules to that of other Exchanges to accommodate the trading of reduced value long term options at $2.50 intervals. See proposed Phlx Rule 1101A(a)(xxxiv).

[29] A list of the current members and affiliate members of ISG can be found at *http:/www.isgportal.com*.

[30] 15 U.S.C. 78f(b).

[31] 15 U.S.C. 78f(b)(5).

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(6).

[34] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this notice requirement.

[35] *Id.*

[36] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [37]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–13221 Filed 6–11–08; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0076]

Hours of Service of Drivers: United States Department of Energy (DOE); Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA has received an application from the U.S. Department of Energy (DOE) for an exemption from certain provisions of the Agency's hours-of-service (HOS) regulations. DOE proposes that its contract motor carriers and their employee-drivers engaged in the transportation of transuranic waste (TRU) be granted an exemption from the HOS rules pertaining to use of a sleeper berth (SB). Current HOS rules require that all SB rest regimens include, in part, the regular use of a SB period of at least 8 hours—combined with a separate period of at least 2 hours, either in the SB, off-duty or some combination of both—to gain the equivalent of at least 10 consecutive hours off-duty. DOE proposes that its contract drivers be allowed to take the equivalent of 10 consecutive hours off duty by splitting SB time into two periods, provided neither of the two periods is less than 2 hours. DOE asserts that if its request for exemption is granted, the level of safety of its TRU operations would be equivalent to, or greater than, the level of safety that would be obtained by complying with the current HOS regulations. FMCSA requests public comment on DOE's application for exemption.

DATES: Comments must be submitted on or before July 14, 2008.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2008–0076 by any of the following methods:

- *Web Site: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to the ground floor, room W12–140, DOT Building, New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit *http://www.regulations.gov.*

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site and also at the DOT's *http://docketsinfo.dot.gov* Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations. *Telephone:* 202–366–4325. *E-mail: MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105–178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. Under its regulations, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

U.S. Department of Energy (DOE) contractors provide long-haul transportation of transuranic disposable waste (TRU), a hazardous material (HM) under Federal regulations, to and from a DOE repository in Carlsbad, New Mexico. The contractors transport this nuclear waste by means of commercial motor vehicles (CMVs) equipped with cargo tanks. These operations are time sensitive and involve a high security risk. The contractors conduct approximately 30 round-trips a week, each between 2,500 and 3,500 miles. Alternating between driving and sleeper-berth (SB), the two-driver teams normally complete a trip within 3 to 4 days.

DOE requests an exemption from the current regulations for these TRU waste long-haul operations to eliminate the requirement that SB regimens include a period of at least 8 but less that 10 consecutive hours in the SB (49 CFR 395.1(g)(1)(ii)(A)(1)). DOE proposes that these commercial motor vehicle (CMV) drivers transporting TRU waste shipments be allowed to split SB time into two periods, provided neither of the two periods is less than 2 hours in length. The TRU waste shipments require a team of two drivers and the use of the SB. DOE believes it is

[37] 17 CFR 200.30–3(a)(12).

imperative for them to receive flexibility for team drivers who use the SB in order to expedite the delivery of high security-risk and time-sensitive TRU waste shipments in a safe and secure manner. According to DOE, acceptance of their proposed option would allow team drivers to manage their en-route rest periods effectively, thus resulting in a safe driving performance during the long distance trip.

The DOE's proposed exemption option would initially apply to those CMV drivers of only two DOE contracted motor carriers who are currently responsible for transporting TRU waste shipments. However, according to DOE, motor carrier contracts are subject to change, and they therefore request that FMCSA grant the exemption from 49 CFR 395.1(g)(1)(ii)(A)(1) for all DOE contractors transporting TRU waste shipments. If the exemption is granted, DOE will monitor and control the use of the exemption by the contracted motor carriers.

The DOE proposes to impose the following safety controls as part of its TRU waste operations under the exemption:

- Limit driving time to 10 hours before appropriate rest must be obtained;
- Real-time tracking and monitoring of TRU waste shipments using DOE's satellite-based TRANSCOM system;
- Use of electronic on-board recorders on trucks is contractually required by DOE/Waste Isolation Power Plant contracted motor carriers to ensure compliance with driver's HOS rules;
- Additional driver qualification and training requirements are established in the TRU waste transportation contract in addition to DOT regulatory qualification training requirements for HM and highway-route-controlled-quantity shipments;
- Train all CMV drivers on fatigue awareness;
- Maintain DOE's strict penalty system for infractions committed by its TRU waste drivers;
- Enhance fleet inspection program in accordance with the Commercial Vehicle Safety Alliance Level VI requirements prior to dispatch and en route. The tractor and trailer fleet maintenance programs are based primarily on the manufacturer's recommended service requirements;
- Monitor the TRU waste CMVs via satellite and in-cab video cameras; and
- Monitor the safety of these operations via FMCSA's SafeStat Program and DOE's Motor Carrier Evaluation Program.

Further details regarding DOE's proposed safety controls can be found in their application for exemption, which can be accessed in the docket identified at the beginning of this notice.

The DOE contends that the 8-hour SB requirement conflicts with DOE's security and safety regulations. In addition, DOE states that the TRU waste transportation requirements imposed by the SB rest period provisions of the current rule negatively impact team drivers' sleep and alertness. The DOE states that if its request for exemption is granted, the level of safety of its TRU waste operations would be equivalent to, or greater than, the level of safety that would be obtained by complying with the current SB regulations.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on DOE's application for a limited exemption from 49 CFR 395.1(g)(1)(ii)(A)(1). The Agency will consider all comments received by close of business on July 14, 2008. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: June 5, 2008.

Charles A. Horan III,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. E8–13160 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0074; Notice 1]

Goodyear Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance

Goodyear Tire & Rubber Company (Goodyear), has determined that certain passenger car tires manufactured during the week of January 7, 2008 did not fully comply with Federal Motor Vehicle Safety Standards (FMVSS) No. 139 *New Pneumatic Radial Tires for Light Vehicles*. Goodyear has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Goodyear has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Goodyear's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are 18 P235/55R18 99V Goodyear Eagle RS–A passenger car tires manufactured in its Lawton, Oklahoma plant during the week of January 7, 2008.

Paragraph S5.5.1(a) of FMVSS No. 139 requires:

S5.5.1 *Tire identification number.* (a) Tires manufactured before September 1, 2009. Each tire must be labeled with the tire identification number required by 49 CFR part 574 on a sidewall of the tire. Except for retreaded tires, either the tire identification number or a partial tire identification number, containing all characters in the tire identification number, except for the date code and, at the discretion of the manufacturer, any optional code, must be labeled on the other sidewall of the tire.

Goodyear explains that due to a mold labeling error the labeling information on the subject tires incorrectly states ''NOT FOR SALE'' on the intended inboard sidewall instead of the partial tire identification number (TIN) ''M60Y LNER.'' Therefore, it is Goodyear's belief that the subject tires are not in compliance with the tire labeling requirement found in S5.5.1(a) of FMVSS No. 139.

Goodyear makes the argument that this noncompliance is inconsequential to motor vehicle safety because the tires meet or exceed all other applicable FMVSS performance standards, and that the tires were designed, manufactured and tested to the standards and regulations as applicable and they meet all regulatory performance test requirements.

Goodyear also explains its belief that the Tire Identification Number (TIN) and the partial TIN are used to properly identify tires that are involved in a safety campaign. Goodyear stated its belief that the full TIN is molded on the intended outboard sidewall of these tires and consumers could be directed to have both sidewalls inspected for the TIN if any safety campaign would be required for these tires in the future. Goodyear compared this situation to that of any tire involved in a safety campaign that required the 4-digit week and year code to determine if it were involved.

Goodyear also stated that it has corrected the problem that caused these

errors so that they will not be repeated in future production.

In summation, Goodyear states that it believes that because the noncompliances are inconsequential to motor vehicle safety that no corrective action is warranted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

You may view documents submitted to a docket at the address and times given above. You may also view the documents on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets available at that Web site.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 14, 2008.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at CFR 1.50 and 501.8.

Issued on: June 6, 2008.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. E8–13176 Filed 6–11–08; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Draft Report Addendum of the Advisory Committee on the Auditing Profession

AGENCY: Office of the Undersecretary for Domestic Finance, Treasury.

ACTION: Notice; request for comments.

SUMMARY: The Advisory Committee on the Auditing Profession is publishing a Draft Report Addendum and soliciting public comment.

DATES: Comments should be received on or before July 9, 2008.

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

Electronic Comments

• Use the Department's Internet submission form (*http://www.treas.gov/offices/domestic-finance/acap/comments*); or

Paper Comments

• Send paper comments in triplicate to Advisory Committee on the Auditing Profession, Office of Financial Institutions Policy, Room 1418, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

In general, the Department will post all comments on its Web site (*http://www.treas.gov/offices/domestic-finance/acap/comments*) without change, including any business or personal information provided such as names, addresses, e-mail addresses, or telephone numbers. The Department will also make such comments available for public inspection and copying in the Department's Library, Room 1428, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 622–0990. All comments, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Kristen E. Jaconi, Senior Policy Advisor to the Under Secretary for Domestic Finance, Department of the Treasury, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, at (202) 927–6618.

SUPPLEMENTARY INFORMATION: At the request of the two Co-Chairs of the Department of the Treasury's Advisory Committee on the Auditing Profession, the Department is publishing this notice soliciting public comment on the Advisory Committee's Draft Report Addendum. The text of this Draft Report Addendum is found in the appendix to this notice and may be found on the Web page of the Advisory Committee at *http://www.treas.gov/offices/domestic-finance/acap/index.shtml.* The Draft Report Addendum seeks comments on a variety of issues impacting the sustainability of a strong and vibrant public company auditing profession. All interested parties are invited to submit their comments in the manner described above.

Dated: June 6, 2008.

Taiya Smith,

Executive Secretary.

Appendix: Advisory Committee on the Auditing Profession

Draft Report Addendum—June 3, 2008

The Department of the Treasury

Addendum to VI. Firm Structure and Finances

Auditor's Report

Recommendation: Urge the PCAOB to undertake a standard-setting initiative to consider improvements to the auditor's reporting model.

The auditor's report is the primary means by which the auditor communicates to the users of financial statements regarding its audit of financial statements. The standard auditor's report, not much altered since the 1930s,[1] identifies the financial statements audited, the scope and nature of the audit, the general responsibilities of the auditor and management, and the auditor's opinion.[2] In addition, for companies subject to the Sarbanes-Oxley Act's internal control requirements, the auditor's report includes an attestation as to internal control over financial reporting.[3] The auditor's opinion on the financial statements states whether these statements present fairly, in all material respects, a company's financial position, results of operations, and cash flows in conformity with generally accepted accounting principles.[4]

Many consider the auditor's reporting model a pass/fail model because the auditor opines whether the statements are fairly presented (pass) or not (fail).[5] Some believe this pass/fail model with its standardized wording does not adequately reflect the amount of auditor work and judgment.

Over thirty years ago, the Commission on Auditors' Responsibilities (Cohen Commission) made a simple observation: ''For the largest corporations in the country, an audit may involve scores of auditors and tens of thousands of hours of work for which the client may pay millions of dollars. Nevertheless, the auditor's standard report compresses that considerable expenditure of skilled effort into a relatively few words and paragraphs.'' [6] The Cohen Commission then called for an expansion of the auditor's report to include a report not merely on the financial statements, but covering the entire audit function.[7] The Cohen Commission reasoned that this new more comprehensive information would benefit users, but also clarify the role and, consequently, the legal standing of the auditor in relation to the audit.[8]

In 1987, the National Commission on Fraudulent Financial Reporting (Treadway Commission) recommended that the standard auditor's report more clearly identify the auditor's responsibilities, the degree to which users can rely on the audit, and the limitations on the audit process.[9] The Treadway Commission aimed to reaffirm that management has ''primary responsibility for financial statements'' and to caution users of financial statements from placing more than ''reasonable'' assurance on the audit process.

More recently, the American Assembly called for differing attestation standards for different parts of the financial statements, depending on the amount of uncertainty and judgment required in making certain determinations.[10] In addition, a February 2008 CFA Institute survey indicated that 80% of its member respondents believe that the auditor's report should provide specific information about how the auditor reached its opinion.[11] A majority of survey respondents thought it was very important to have the auditors identify key risk areas, significant changes in risk exposures, and amounts either involving a high degree of uncertainty in measurement and significant assumptions or requiring a higher level of professional judgment.[12]

In 2005, the PCAOB's Standing Advisory Group (SAG), which advises the PCAOB on the establishment of auditing and related professional practice standards, considered whether the auditor's report should include more information relating to the auditor's judgments regarding financial reporting quality.[13] The SAG also considered whether required auditor communications to audit committees, such as the auditor's judgments about accounting principles [14] and critical accounting policies and practices,[15] should be incorporated into the auditor's report.[16] The PCAOB has not yet taken up a standard-setting initiative regarding the auditor's report.

Foreign jurisdictions are also currently considering changes to their auditor's reports. For instance, the European Commission under the Eighth Directive is authorized to develop its own ''European Audit Report'' or adopt the International Federation of Accountants' International Auditing and Assurance Standards Board's recently revised auditor's report standard.[17] In December 2007, the Audit Practices Board, a part of the United Kingdom's Financial Reporting Council, issued a Discussion Paper seeking comment on potentially altering the auditor's report.[18] Currently in Germany, public companies are generally required to issue a long-form auditor's report, discussing matters such as the company's economic position and trend of business operations and the nature and scope of the auditor's procedures. The Committee is cognizant that this debate over such disclosures is unfolding in a litigation environment different from that in the United States.

This Committee has also heard testimony regarding expanding the auditor's report.[19] One witness noted that some institutional investors believe an expanded auditor's report would enhance investor confidence in financial reporting and recommended exploring a more ''narrative'' report in areas, such as ''estimates, judgments, sufficiency of evidence and uncertainties.'' [20]

The Committee notes that the increasing complexity of global business operations are compelling a growing use of judgments and estimates, including those related to fair value measurements, and also contributing to greater complexity in financial reporting. The Committee believes this complexity supports improving the content of the auditor's report beyond the current pass/fail model to include a more relevant discussion about the audit of the financial statements. While there is not yet agreement as to precisely what additional information is sought by and would be useful to investors and other users of financial statements, the Committee concludes that an improved auditor's report would likely lead to more relevant information for users of financial statements and, in line with

[1] For a historical analysis of the evolution of the auditor's report, see George Cochrane, *The Auditor's Report: Its Evolution in the U.S.A., in* Perspectives in Auditing 16 (D.R. Carmichael and John J. Willingham 2d. ed. 1975).

[2] Reports on Audited Financial Statements, Interim Auditing Standard AU Section 508.08 (Pub. Company Accounting Oversight Bd. 2002).

[3] An Audit of Internal Control over Financial Reporting That Is Integrated with an Audit of Financial Statements, Auditing Standard No. 5, para. 85 (Pub. Company Accounting Oversight Bd. 2007).

[4] Reports on Audited Financial Statements, Interim Auditing Standard AU Section 508.07–.08 (Pub. Company Accounting Oversight Bd. 2002).

[5] Public Company Accounting Oversight Board, Standing Advisory Group Meeting Briefing Paper: Auditor's Reporting Model 3 (Feb. 16, 2005).

[6] Commission on Auditors' Responsibilities, Report, Conclusions, and Recommendations 71 (1978).

[7] Commission on Auditors' Responsibilities, Report, Conclusions, and Recommendations 75 (1978).

[8] Commission on Auditors' Responsibilities, Report, Conclusions, and Recommendations 75–76 (1978).

[9] National Commission on Fraudulent Financial Report, Report of the National Commission on Fraudulent Financial Reporting (Oct. 1987).

[10] American Assembly, The Future of the Accounting Profession 12–13 (Nov. 13–15, 2003); American Assembly, The Future of the Accounting Profession: Auditor Concentration 21 (May 23, 2005).

[11] CFA Institute, February 2008 Monthly Question Results (Feb. 2008), *available at http://www.cfainstitute.org/memresources/monthlyquestion/2008/february.html.*

[12] CFA Institute, February 2008 Monthly Question Results (Feb. 2008), *available at http://www.cfainstitute.org/memresources/monthly question/2008/february.html.*

[13] Public Company Accounting Oversight Board, Standing Advisory Group Meeting: Auditor's Reporting Model (Feb. 16, 2005).

[14] For this requirement, see Communications with Audit Committees, Interim Auditing Standard AU Section 380.11 (Public Company Accounting Oversight Bd. 2002).

[15] For this requirement, see Sarbanes-Oxley Act, 15 U.S.C. § 78j–1 (2002).

[16] Public Company Accounting Oversight Board, Standing Advisory Group Meeting: Auditor's Reporting Model 4–5 (Feb. 16, 2005).

[17] Directive 2006/43/EC of the European Parliament and of the Council Art. 28 (May 17, 2006); Auditing Practices Board, Discussion Paper—The Auditor's Report: A Time for Change? 6 (Dec. 2007).

[18] Auditing Practices Board, Discussion Paper—The Auditor's Report: A Time for Change? (Dec. 2007).

[19] 19 See, e.g., Record of Proceedings (Dec. 3, 2007) (Written Submission of Dennis M. Nally, Chairman and Senior Partner, PricewaterhouseCoopers LLP, 7), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/12032007/Nally120307.pdf* (supporting the Committee's considering whether to change the auditor's report's content given single financial reporting standards, more cohesive global auditing standards, and trends, like fair value measurement); Record of Proceedings (Dec. 3, 2007) (Oral Remarks of Ashwinpaul C. Sondhi, President, A. C. Sondhi & Associates, LLC, 255–57), *available at http://www.treas.gov/offices/domestic-finance/acap/agendas/minutes-12-3-07.pdf;* Record of Proceedings (Dec. 3, 2007) (Oral Remarks of James S. Turley, Chairman and Chief Executive Officer, Ernst & Young LLP, 253–54), *available at http://www.treas.gov/offices/domestic-finance/acap/agendas/minutes-12-3-07.pdf.*

[20] Record of Proceedings (Feb. 4, 2008) (Written Submission of Richard Fleck, Global Relationship Partner, Herbert Smith LLP, 17, 21), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Fleck02042008.pdf.*

Recommendation 1(b) in Chapter VI of this Report, would clarify the role of the auditor in the financial statement audit.

The Committee therefore recommends that the PCAOB address these issues, both long-debated and increasingly important given the use of judgments and estimates, by undertaking a standard-setting initiative to consider improvements to the auditor's reporting model. With regards to this initiative, the PCAOB should consult with investors, other financial statement users, auditing firms, public companies, academics, other market participants, and other state, federal, and foreign regulators. In view of the desirability of improving the quality of financial reporting and auditing on a global basis, the PCAOB should also consider the developments in foreign jurisdictions that improve the quality and content of the auditor's report and should consult with international regulatory bodies as appropriate. The PCAOB should also take cognizance of the proposal's potential legal ramifications, if any, to auditors.

Engagement Partner Signature

SEC regulations require that the auditor's report be signed.[21] Under current requirements, the auditor's report signature block shows the auditing firm's name, not the engagement partner's. In 2005, the PCAOB's SAG considered whether the audit partner and a concurring partner should sign the auditor's report in their own names.[22] Advocates believe that such signatures will foster greater accountability of the individuals signing the auditor's report, although they note there is no intention to increase or decrease the liability or responsibilities of the engagement partner. These supporters analogize the signatures to the chief executive officer and chief financial officer certifications under Section 302 of the Sarbanes-Oxley Act and directors' signatures on public company annual reports. The signature will also enhance the status of the engagement partner, putting the partner on the same level as the chief executive officer and chief financial officer. Opponents of such signatures argue that the auditing firm operates as a team and takes responsibility for the audit, but not individual partners.

The Committee notes that engagement partner signatures are required in other jurisdictions. The European Commission's Eighth Directive requires that the engagement partner sign the auditor's report.[23] Even prior to the Eighth Directive, several European countries, including France, Germany, and Luxembourg, required engagement partner signatures for a number of years.[24]

The Committee has heard testimony regarding the benefits of engagement partner signatures[25] and has discussed and debated the merits of the senior engagement partner signing the auditor's report.[26] The Committee notes that in Chapter VII of this Report, the Committee is recommending disclosure of the name(s) of the senior audit partner(s) staffed on the engagement in the proxy statement to increase transparency and affirm the accountability of the auditor.

The Committee is considering recommending that the PCAOB revise its auditor's report standard to mandate the engagement partner's signature on the auditor's report. The Committee notes the signing partner should face no additional liability than that under the current liability regime. The Committee is seeking commentary on this potential recommendation, and in jurisdictions where signatures are currently required, their impact on audit quality.

Transparency

The Committee considered testimony and commentary regarding the transparency of auditing firms.[27] The Committee has reviewed and considered a range of transparency reporting options, including the PCAOB's May 2006 proposal, not yet finalized, requiring annual and periodic reporting pursuant to the mandate under Sarbanes-Oxley's Section 102(d).[28] This proposal would require annual reporting by auditing firms on such items as a public company audit client list and the percentage of the firm's total fees attributable to public company audit clients for each of the following categories of services: Audit services, other accounting services, tax services, and non-audit services. The PCAOB proposal would also require firms to file a ''special'' report, triggered by such events as the initiation of certain criminal or civil governmental proceedings against the firm or its personnel; a new relationship with a previously disciplined person or entity; or the firm becoming subject to bankruptcy or similar proceedings.

The Committee has also considered the European Union's Eighth Directive, Article 40 Transparency Report,[29] which requires that public company auditors post on their Web sites annual reports including the following information: Legal and network structure and ownership description; governance description; most recent quality assurance review; public company audit client list; independence practices and confirmation of independence compliance review; continuing education policy; financial information, including audit fees, tax advisory fees, consulting fees; and partner remuneration policies. The Article 40 Transparency Report also requires a description of the auditing firm's quality control system and a statement by firm management on its effectiveness. Auditing firms and investors have expressed support for requiring U.S. auditing firms to publish reports similar to the Article 40 Transparency Report.[30]

The Committee notes that Recommendation 3 in Chapter VII of this Report recommends that, if feasible, the PCAOB develop audit quality indicators and auditing firms publish these indicators. The Committee believes this information could improve audit quality by enhancing the transparency of auditing firms and notes that some foreign affiliates of U.S. auditing firms provide such indicators in public reports issued in other jurisdictions.[31]

[21] SEC Regulation S–X, Rule 2–02a.

[22] Public Company Accounting Oversight Board, Standing Advisory Group Meeting: Auditor's Reporting Model 7–8 (Feb. 16, 2005).

[23] Directive 2006/43/EC of the European Parliament and of the Council Art. 28 (May 17, 2006).

[24] The Institute of Chartered Accountants in England and Wales, Shareholder Involvement—Identifying the Audit Partner (2005) (noting that Germany, France, and Luxembourg currently require audit partner signatures and European Member states must adopt such a requirement under Article 28 of the Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts).

[25] Record of Proceedings (Feb. 4, 2008) (Written Submission of Paul G. Haaga, Jr., Vice Chairman, Capital Research and Management Company, 2), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Haaga020408.pdf* (stating that signatures could improve audit quality and enhance accountability).

[26] See, e.g., Record of Proceedings (Mar. 13, 2008) (Oral Remarks of Donald T. Nicolaisen, Board Member, Morgan Stanley, 228–230) (stating his belief that the engagement partner should sign the auditor's report); Record of Proceedings (Mar. 13, 2008) (Oral Remarks of Mary Bush, Board Member, Discover Financial Services, 231) (endorsing the engagement partner signature on the auditor's report).

[27] See e.g., Record of Proceedings (Dec. 3, 2007) (Written Submission of James S. Turley, Chairman and Chief Executive Officer, Ernst & Young LLP, 10), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/12032007/Turley120307.pdf;* Record of Proceedings (Feb. 4, 2008) (Written Submission of Dennis Johnson, Senior Portfolio Manager, Corporate Governance, California Public Employees' Retirement System, 5), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Johnson020408.pdf.*

[28] See PCAOB, Proposed Rules on Periodic Reporting by Registered Public Accounting Firms, *available at http://www.pcaobus.org/rules/docket_019/2006-05–23-release_no.__2006_004.pdf.*

[29] Directive 2006/43/EC of the European Parliament and of the Council Art. 40 (May 17, 2006), *available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:157:0087:0107:EN:PDF.*

[30] See, e.g., Record of Proceedings (Feb. 4, 2008) (Written Submission of Paul G. Haaga, Jr., Vice Chairman, Capital Research and Management Company, 2), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Haaga020408.pdf* (recommending auditing firm disclosure of quality control policies and procedures); Record of Proceedings (Feb. 4, 2008) (Written Submission of Edward E. Nusbaum, Chief Executive Officer, Grant Thornton LLP, 6), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Nusbaum020408.pdf* (supporting an annual transparency report for U.S. auditing firms); Record of Proceedings (Written Submission of James S. Turley, Chairman and Chief Executive Officer, Ernst & Young LLP, 10), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/12032007/Turley120307.pdf* (suggesting the PCAOB require auditing firms to publish transparency reports like the European Union's Article 40 Transparency Report).

[31] See, e.g., Record of Proceedings (Feb. 4, 2008) (Written Submission of Dennis Johnson, Senior Portfolio Manager, Corporate Governance, California Public Employees' Retirement System, 5), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Johnson020408.pdf* (recommending auditing firm disclosure of key performance indicators, such as ''percent of training dollars spent on staff compared to the fees received for the audit, average experience of staff, partner time allocated to each audit'').

Furthermore, for several years auditing firms in the United Kingdom have published annual reports containing audited financial statements pursuant to limited liability partnership disclosure requirements as well as a discussion of those statements, a statement on corporate governance, performance metrics, and other useful information. In the United States, auditing firms typically do not prepare audited financial statements. Some witnesses have called for disclosure of audited financial statements,[32] whereas one auditing firm representative questioned the usefulness of disclosing financial statements of the smaller auditing firms.[33]

The Committee recommends that the PCAOB require that, beginning in 2010, larger auditing firms (those with 100 or more public company audit clients that the PCAOB inspects annually) produce a public annual report incorporating (a) information required by the Article 40 Transparency Report deemed appropriate by the PCAOB in consultation with investors, other financial statement users, auditing firms, public companies, academics, and other market participants, and (b) such key indicators of audit quality and effectiveness as determined by the PCAOB in accordance with Recommendation 3 in Chapter VII of this Report. These disclosure requirements should supplement any rules adopted as a result of the PCAOB's 2006 reporting proposal.

The Committee also recommends that the PCAOB determine which of the requirements included above should be imposed on smaller auditing firms (those with less than 100 public company audit clients), taking into account these firms' size and resources.

The Committee is also considering recommending one of the following two approaches to audited financial statements: The PCAOB should require that, beginning in 2011, the larger auditing firms file with the PCAOB on a confidential basis audited financial statements prepared in accordance with generally accepted accounting principles or international financial reporting standards and the PCAOB will then either:

''Alternative 1: Determine, based on broad consultation, whether these audited financial statements should be made public in consideration of their utility to audit committee members and investors in assessing audit quality, impact on firm sustainability, firm comparability, and other considerations relevant to the public interest, or

Alternative 2: Make these audited financial statements publicly available.''

The Committee is seeking commentary on these potential alternatives.

Litigation

The Committee also has considered liability issues impacting the profession. The Committee received and considered testimony and commentary suggesting certain measures aimed at liability reform.[34] The Committee also has received testimony and commentary opposing liability reform.[35]

The Committee takes note that the Sarbanes-Oxley Act established a new level of federal regulation over the public company auditing profession. In that context, some believe it would be appropriate to transfer to federal court jurisdiction some categories of claims against auditors, which presently may be brought in state courts. Others are unconvinced by this argument, expressing concerns that this approach might weaken plaintiffs' rights and remedies.

The Committee is considering whether it should recommend that Congress provide federal courts with exclusive jurisdiction over some categories of claims, which presently may be brought in state courts against auditors, when such claims are related to audits of public company financial statements. Should Congress take up this recommendation, it should develop a uniform standard of care with the appropriate and necessary levels of investor protection. While there are various differences among state and federal standards of care, the Committee contemplates a standard fairly and adequately representing investors' interests.

The Committee is seeking commentary on (1) Whether it is appropriate to have exclusive federal jurisdiction for some categories of claims and a uniform standard of care; and, if so, (2) what types of claims should be subject to federal jurisdiction; and (3) what should be the uniform standard of care.

[FR Doc. E8–13274 Filed 6–11–08; 8:45 am]

BILLING CODE 4810–25–P

[32] See, e.g., Record of Proceedings (Feb. 4, 2008) (Written Submission of Paul G. Haaga, Jr., Vice Chairman, Capital Research and Management Company, 2), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Haaga020408.pdf* (calling for auditing firm disclosure of audited financial statements).

[33] Record of Proceedings (Feb. 4, 2008) (Questions for the Record of Neal Spencer, Managing Partner, BKD LLP, 38–39), *available at http://www.treas.gov/offices/domestic-finance/acap/agendas/QFRs-2-4-08.pdf* (analogizing the auditing firm to a vendor and noting that the profitability or financial strength of vendors ''has little, if any, relevance other than perhaps related to concerns about their ability to financially support their continued existence'' and noting that the profitability or financial condition of an auditing firm is not directly related to audit quality; and noting that the ''most relevant financial information for users'' of smaller auditing firms is insurance-related information and noting that larger auditing firms with limited commercial insurance coverage may need to disclose different financial information).

[34] See, e.g., Record of Proceedings (Feb. 4, 2008) (Written Submission of Edward E. Nusbaum, Chief Executive Officer, Grant Thornton LLP, 7–8), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/02042008/Nusbaum020408.pdf* (suggesting general securities litigation reform); Record of Proceedings (Dec. 3, 2007) (Written Submission of James S. Turley, Chairman and Chief Executive Officer, Ernst & Young LLP, 16), *available at http://www.treas.gov/offices/domestic-finance/acap/submissions/12032007/Turley120307.pdf* (suggesting the ability to appeal motions to dismiss in securities class actions).

[35] See, e.g., Record of Proceedings (Feb. 4, 2008) (Questions for the Record of John P. Coffey, Partner, Bernstein Litowitz Berger & Grossmann LLP, 1–7 (Mar. 31, 2008)), *available at http://www.treas.gov/offices/domestic-finance/acap/agendas/QFRs-2-4-08.pdf* (weighing against reforming the calculation of damages in securities fraud class actions and auditor liability protections, including a professional judgment framework and safe harbor, but supporting scheme liability); Record of Proceedings (Feb. 4, 2008) (Questions for the Record of Paul G. Haaga, Jr., Vice Chairman, Capital Research and Management Company, 1–3), *available at http://www.treas.gov/offices/domestic-finance/acap/agendas/QFRs-2-4-08.pdf* (opposing liability limits and safe harbors for auditing firms and viewing liability exposure as a ''very effective incentive for the firms to conduct high quality audits'').

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary for International Affairs; Survey of Foreign Ownership of U.S. Securities

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Department of the Treasury is informing the public that it is conducting a mandatory survey of foreign ownership of U.S. securities as of June 30, 2008. This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. Additional copies of the reporting forms SHLA (2008) and instructions may be printed from the Internet at: *http://www.treas.gov/tic/forms-sh.html*.

Definition: A U.S. person is any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a state, provincial, or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency), who resides in the United States or is subject to the jurisdiction of the United States.

Who Must Report: The panel for this survey is based upon the level of foreign holdings of U.S. securities reported on the June 2004 benchmark survey of foreign holdings of U.S. securities, and will consist mostly of the largest reporters on that survey. Entities required to report will be contacted individually by the Federal Reserve Bank of New York. Entities not contacted by the Federal Reserve Bank of New York have no reporting responsibilities.

What to Report: This report will collect information on foreign resident

holdings of U.S. securities, including equities, short-term debt securities (including selected money market instruments), and long-term debt securities.

How to Report: Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained by contacting the survey staff of the Federal Reserve Bank of New York at (212) 720–6300, *e-mail: SHLA.help@ny.frb.org*. The mailing address is: Federal Reserve Bank of New York, Statistics Function, 4th Floor, 33 Liberty Street, New York, NY 10045–0001. Inquiries can also be made to Carol Bertaut, Federal Reserve Board of Governors, at (202) 452–3476, *e-mail: carol.bertaut@frb.gov*; or to Dwight Wolkow at (202) 622–1276, *e-mail: dwight.wolkow@do.treas.gov*.

When to Report: Data should be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by August 31, 2008.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505–0123. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual burden associated with this collection of information is 486 hours per report for the largest custodians of securities, and 110 hours per report for the largest issuers of securities that have data to report and are not custodians. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Office of International Affairs, Attention Administrator, International Portfolio Investment Data Reporting Systems, Room 5422, Washington, DC 20220, and to OMB, Attention Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Reporting Systems.

[FR Doc. E8–13155 Filed 6–11–08; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Ad Hoc IRS Forms and Publications/Language Services Issue Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Ad Hoc IRS Forms and Publications/Language Services Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 5, 2008.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227 or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc IRS Forms and Publications/Language Services Issue Committee of the Taxpayer Advocacy Panel will be held Tuesday, August 5, 2008, at 2 p.m. Eastern Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7977, or you can post comments to the Web site: *http://www.improveirs.org*.

The agenda will include: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director , Taxpayer Advocacy Panel.

[FR Doc. E8–13133 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 1 Taxpayer Advocacy Panel (Including the States of New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont and Maine)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 1 Taxpayer Advocacy Panel will be conducted via telephone conference call. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 19, 2008.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–888–912–1227 or 718–488–2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 1 Taxpayer Advocacy Panel will be held Tuesday, August 19, 2008, at 9 a.m. Eastern Time via a telephone conference call. For more information or to confirm attendance, notification if intent to attend the meeting must be made with Audrey Y. Jenkins at 1–888–912–1227 or 718–488–2085. If you would like to have the TAP consider a written statement, please write Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or you can post comments to the Web site: *http://www.improveirs.org*.

The agenda will include various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13128 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted via telephone conference call. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, August 20, 2008.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227, or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Wednesday, August 20, 2008, at 2:30 p.m. Eastern Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13140 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 3 Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and the territory of Puerto Rico)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 3 Taxpayer Advocacy Panel will be conducted via telephone conference call. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, August 18, 2008.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227, or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 3 Taxpayer Advocacy Panel will be held Monday, August 18, 2008, at 12:30 p.m. Eastern Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13141 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted via telephone conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 19, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, August 19, 2008, at 1 p.m. Central Time, via a telephone conference call. You can submit written comments to the panel by faxing the comments to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org.* Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 231–2360 for dial-in information.

The agenda will include the following: Various IRS issues

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13139 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted via a telephone conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 12, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 5 Taxpayer Advocacy Panel will be held Tuesday, August 12, 2008, at 9:30 a.m. Central Time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org.* Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 231–2360 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13138 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Taxpayer Advocacy Panel (Including the States of Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 6 committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. The TAP will use citizen input to make recommendations to the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 5, 2008.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Taxpayer Advocacy Panel will be held Tuesday, August 5, 2008, from 1 p.m. Pacific Time to 2:30 p.m. Pacific Time, via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096, or you can contact us at *http://www.improveirs.org*.

The agenda will include the following: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13135 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel (including the states of Alaska, California, Hawaii, and Nevada)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 7 committee of the Taxpayer Advocacy Panel will be conducted via telephone conference call. The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, August 20, 2008.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 7 Taxpayer Advocacy Panel will be held Wednesday, August 20, 2008, at 2 p.m. Pacific Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Janice Spinks, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Janice Spinks. Miss Spinks can be reached at 1–888–912–1227 or 206–220–6096, or you can contact us at *http://www.improveirs.org*.

The agenda will include the following: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13136 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Joint Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be conducted via conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, August 6, 2008.

FOR FURTHER INFORMATION CONTACT: Patricia Robb at 1–888–912–1227 or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Joint Committee of the Taxpayer Advocacy Panel (TAP) will be held Wednesday, August 6, 2008, at 2 p.m. Eastern Time via a conference call. If you would like to have the Joint Committee of TAP consider a written statement, please call 1–888–912–1227 or (414) 231–2360, or write Patricia Robb, TAP Office, MS–1006–MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or FAX to (414) 231–2363, or you can contact us at *http://www.improveirs.org*. For information to join the Joint Committee meeting, contact Patricia Robb at the above number.

The agenda will include the following: Discussion of issues and responses brought to the Joint Committee, office report, and discussion of annual meeting.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13129 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Small Business/Self Employed—Taxpayer Burden Reduction Issue Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed—Taxpayer Burden Reduction Issue Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, August 14, 2008.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or (718) 488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Small Business/Self Employed—Taxpayer Burden Reduction Issue Committee will be held Thursday, August 14, 2008, at 2 p.m. Eastern Time via a telephone conference call. You can submit written comments to the panel by faxing to (718) 488–2062, or by mail to Taxpayer Advocacy Panel, 10 Metro Tech Center, 625 Fulton Street, Brooklyn, NY, 11201, or you can contact us at *http://www.improveirs.org*. Public comments will also be welcome during the meeting. Please contact Marisa Knispel at 1–888–912–1227 or (718) 488–3557 for additional information.

The agenda will include the following: Various IRS Issues.

Dated: June 4, 2008.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13131 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance (VITA) Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel VITA Issue Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 12, 2008.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or (718) 488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel VITA Issue Committee will be held Tuesday, August 12, 2008, at 2 p.m. Eastern Time via a telephone conference call. You can submit written comments to the panel by faxing to (718) 488–2062, or by mail to Taxpayer Advocacy Panel, 10 Metro Tech Center, 625 Fulton Street, Brooklyn, NY 11201, or you can contact us at *http://www.improveirs.org*. Public comments will also be welcome during the meeting. Please contact Marisa Knispel at 1–888–912–1227 or (718) 488–3557 for additional information.

The agenda will include the following: Various VITA Issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13130 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be conducted via telephone conference call. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, August 13, 2008.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–888–912–1227 or 718–488–2085

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be held Wednesday, August 13, 2008, from 1 to 2 p.m. Eastern Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. For information or to confirm attendance, notification of intent to attend the meeting must be made with Audrey Y. Jenkins. Ms. Jenkins may be reached at 1–888–912–1227 or (718) 488–2085. Send written comments to Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201 or post comments to the Web site: *http://www.improveirs.org*. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance.

The agenda will include various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13132 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 26, 2008.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227 or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be held Tuesday, August 26, 2008, from 9 a.m. Pacific Time to 10:30 a.m. Pacific Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096, or you can contact us at *http://www.improveirs.org*.

The agenda will include the following: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13134 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be conducted via telephone conference call. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, August 20, 2008.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227 or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be held Wednesday, August 20, 2008, at 12:30 p.m. Eastern Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979, or post comments to the Web site: *http://www.improveirs.org*.

The agenda will include: Various IRS issues.

Dated: June 4, 2008.

Richard Morris,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E8–13127 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–106359–02]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulation, REG–106359–02, Compensatory Stock Options Under Section 482.

DATES: Written comments should be received on or before August 11, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Compensatory Stock Options Under Section 482.

OMB Number: 1545–1794.

Regulation Project Number: REG–106359–02.

Abstract: The information will be used to determine whether the participants in a qualified cost sharing arrangement are sharing stock-based compensation costs attributable to the intangible development area in proportion to reasonably anticipated benefits as required by the proposed amendment to the cost sharing regulations.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Time per Respondent: 2 minutes.

Estimated Total Annual Reporting/Recordkeeping: 2,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 5, 2008.

Allan Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E8–13253 Filed 6–11–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0049]

Agency Information Collection (Approval of School Attendance) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of

Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0049'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0049.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Request for Approval of School Attendance, VA Form 21–674 and 21–674c.

b. School Attendance Report, VA Form 21–674b.

OMB Control Number: 2900–0049.

Type of Review: Extension of a currently approved collection.

Abstract: Recipients of disability compensation, dependency and indemnity compensation, disability pension, and death pension are entitled to benefits for eligible children between the ages of 18 and 23 who are attending school. VA Forms 21–674, 21–674c and 21–674b are used to confirm school attendance of children for whom VA compensation or pension benefits are being paid and to report any changes in entitlement factors, including marriages, a change in course of instruction and termination of school attendance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 25, 2008, at pages 15846–15847.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Forms 21–674 and 674c—34,500 hours.

b. VA Form 21–674b—3,292 hours.

Estimated Average Burden per Respondent:

a. VA Forms 21–674 and 674c—15 minutes.

b. VA Form 21–674b—5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Forms 21–674 and 674c—138,000 hours.

b. VA Form 21–674b—39,500 hours.

Dated: June 6, 2008.

By Direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–13241 Filed 6–11–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0085]

Agency Information Collection (Appeal to Board of Veterans' Appeals) Activities Under OMB Review

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Board of Veterans' Appeals (BVA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0085'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0085.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Appeal to Board of Veterans' Appeals, VA Form 9.

b. Withdrawal of Services by a Representative.

c. Request for Changes in Hearing Date.

d. Motions for Reconsideration.

OMB Control Number: 2900–0085.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. Appeal to Board of Veterans' Appeals, VA Form 9, may be used by appellants to complete their appeal to the Board of Veterans' Appeals (BVA) from a denial of VA benefits. The information is used by BVA to identify the issues in dispute and prepare a decision responsive to the appellant's contentions and the legal and factual issues raised.

b. Withdrawal of Services by a Representative: When the appellant's representative withdraws from a case, both the appellant and the BVA must be informed so that the appellant's rights may be adequately protected and so that the BVA may meet its statutory obligations to provide notice to the current representative.

c. Request for Changes in Hearing Date: VA provides hearings to appellants and their representatives, as required by basic Constitutional due-process and by Title 38 U.S.C. 7107(b). From time to time, hearing dates and/or times are changed, hearing requests withdrawn and new hearings requested after failure to appear at a scheduled hearing. The information is used to comply with the appellants' or their representatives' requests.

d. Motions for Reconsideration: Decisions by BVA are final unless the Chairman orders reconsideration of the decision either on the Chairman's initiative, or upon motion of a claimant. The Board Chairman, or his designee, uses the information provided in deciding whether reconsideration of a Board decision should be granted.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 28, 2008, at pages 16745–16746.

Affected Public: Individuals or households, Business or other for profit, and Not for profit institutions.

Estimated Total Annual Burden:

a. Appeal to Board of Veterans' Appeals, VA Form 9—45,850 hours.

b. Withdrawal of Services by a Representative—183 hours.

c. Request for Changes in Hearing Date—1,212 hours.

d. Motions for Reconsideration—846 hours.

Estimated Average Burden per Respondent:

a. Appeal to Board of Veterans' Appeals, VA Form 9—1 hour.

b. Withdrawal of Services by a Representative—20 minutes.

c. Request for Changes in Hearing Date—15 minutes (hearing date change), 15 minutes (request to withdraw a hearing),—1 hour (requests change a motion).

d. Motions for Reconsideration—1 hour.

Frequency of Response: On occasion.

Estimated Total Number of Respondents:

a. Appeal to Board of Veterans' Appeals, VA Form 9—45,850.

b. Withdrawal of Services by a Representative—550.

c. Request for Changes in Hearing Date—2,733.

d. Motions for Reconsideration—846.

Dated: June 6, 2008.

By direction of the Secretary

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–13242 Filed 6–11–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (HSNGV)]

Agency Information Collection Activities (Health Surveillance for a New Generation of U.S. Veterans) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–New (HSNGV)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–New (HSNGV).''

SUPPLEMENTARY INFORMATION:

Title: Health Surveillance for a New Generation of U.S. Veterans Survey.

OMB Control Number: 2900–New (HSNGV).

Type of Review: New collection.

Abstract: The Health Surveillance for a New Generation of U.S. Veterans survey will be used to collect data from Operation Iraqi Freedom and Operation Enduring Freedom veterans regarding their current health status and concerns, exposures of concern in the theater, health care preferences, and health behaviors and attitudes, and to gain knowledge on veterans who have not used VA health care since returning from the current conflict. The data collected will help VA to plan and provide better health care to Operation Iraqi Freedom and Operation Enduring Freedom veterans, as well as understanding the long-term consequences of military deployment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 17, 2008 at page 14307.

Affected Public: Individuals or households.

Estimated Annual Burden: 24,858 hours.

Estimated Average Burden per Respondent: 30–45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 38,300.

Dated: June 6, 2008.

By Direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–13243 Filed 6–11–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (SAR)]

Agency Information Collection Activities (SAR Application) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–New (SAR)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–New (SAR).''

SUPPLEMENTARY INFORMATION:

Title: Servicer's Staff Appraisal Reviewer (SAR) Application, VA Form 26–0829.

OMB Control Number: 2900–New (SAR).

Type of Review: New collection.

Abstract: VA Form 26–0829 is completed by servicers to nominate employees for approval as Staff Appraisal Reviewer (SAR). Servicers SAR's will have the authority to review real estate appraisals and to issue liquidation notices of value on behalf of VA. VA will also use the data collected to track the location of SARs when there is a change in employment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 25, 2008 at page 15843.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 45 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 537.

Dated: June 6, 2008.

By Direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–13245 Filed 6–11–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Rehabilitation Research and Development Service Scientific Merit Review Board will meet at the Madison Loews Hotel, 1177 15th St, NW., Washington, DC, from 8 a.m. until 5:30 p.m. on August 28–29, 2008 and on September 3–4, 2008.

The purpose of the Board is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meetings will be open to the public for the August 28 and September 3 sessions from 8 a.m. to 9 a.m. for the discussion of administrative matters, the general status of the program and the administrative details of the review process. The meetings will be closed as follows for the Board's review of research and development applications:

August 28—from 9 a.m. to 5:30 p.m.
August 29—from 8 a.m. to 5:30 p.m.
September 3—from 9 a.m. to 5:30 p.m.
September 4—from 8 a.m. to 5:30 p.m.

The reviews involve oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts. Thus, the closing is in accordance with 5 U.S.C. 552b(c)(6), and (c)(9)(B) and the determination of the Secretary of the Department of Veterans Affairs under Sections 10(d) of Public Law 92–463 as amended by Section 5(c) of Public Law 94–409.

Those who plan to attend the open sessions should contact Terrilynn Carlton, Federal Designated Officer, Portfolio Manager, Rehabilitation Research and Development Service (122P), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, at (202) 254–0265.

Dated: June 4, 2008.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E8–13144 Filed 6–11–08; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Thursday,
June 12, 2008

Part II

National Transportation Safety Board

Privacy Act of 1974, as Amended; Addition of New Systems of Records and Revisions to Existing Systems of Records; Notice

NATIONAL TRANSPORTATION SAFETY BOARD

Privacy Act of 1974, as Amended; Addition of New Systems of Records and Revisions to Existing Systems of Records

ACTION: Notice of new and revised systems of records.

SUMMARY: The NTSB previously published notices describing the systems of records it maintains pursuant to the Privacy Act of 1974. The NTSB will add 21 new systems of records. This notice also revises and republishes nine existing systems of records to update various system elements and to reference the routine uses listed in Appendix A, below. The NTSB publishes this notice for comment on these actions.

DATES: This action will be effective without further notice 30 days from the date of publication in the **Federal Register**, unless the NTSB receives comments that result in a contrary determination.

ADDRESSES: You may send written comments using any of the following methods:

1. *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
2. *Mail:* Mail comments concerning this notice to Melba Moye, CIO–40, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594–2000.
3. *Fax:* (202) 314–6132, *Attention:* Melba Moye.
4. *Hand Delivery:* 6th Floor, 490 L'Enfant Plaza, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Melba Moye, Office of Chief Information Officer, Records Management Division, (202) 314–6555.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, as amended (codified at 5 U.S.C. 552a), the NTSB will add the description of 21 new systems of records, revise nine systems of records, and delete two systems of records. This Notice describes each system of records, pursuant to 5 U.S.C. 552a(e)(4).

- The first new system of records will be designated as NTSB–12 and entitled, ''Employee Travel Card Records,'' to obtain and oversee credit cards to facilitate NTSB employees' official travel.
- The second new system of records will be designated as NTSB–13 and entitled, ''Airmen or Mariner Certificate Enforcement Actions,'' to accomplish its review of actions that the Federal Aviation Administration or United States Coast Guard has taken against certificates of airmen or mariners.
- The third new system of records will be designated as NTSB–14 and entitled, ''Information Request Database,'' to provide individuals with publicly available information that the NTSB disseminates, upon an individual's request.
- The fourth new system of records will be designated as NTSB–15 and entitled, ''Local Area Network Database,'' to control access to the NTSB computer network and use of NTSB computer applications.
- The fifth new system of records will be designated as NTSB–16 and entitled, ''Correspondence Control Database,'' to verify receipt, generate a response, and establish a record of certain official correspondence.
- The sixth new system of records will be designated as NTSB–17 and entitled, ''Office of Transportation Disaster Assistance Family Member Database,'' to communicate with and provide information to victims and victims' family members who have been affected by a transportation accident that the NTSB investigated.
- The seventh new system of records will be designated as NTSB–18 and entitled, ''Correspondence from Members of Congress,'' to respond to inquiries from Members or Committees of Congress, and, in some cases, Members' constituents.
- The eighth new system of records will be designated NTSB–19 and entitled, ''Training Center Student Registration Database,'' to register students for courses at the NTSB Training Center.
- The ninth new system of records will be designated NTSB–20 and entitled, ''Public Affairs Phone Log,'' to maintain a log of telephone activity in which the NTSB Office of Public Affairs engages.
- The tenth new system of records will be designated NTSB–21 and entitled, ''Respiratory Protection Program Records,'' to document employee medical qualifications and training for respirator usage pursuant to regulatory requirements of the Office of Safety and Health Administration (OSHA).
- The eleventh new system of records will be designated as NTSB–22 and entitled, ''Occupational Health and Safety Training Program,'' to document employee safety and health training in accordance with regulatory requirements from OSHA.
- The twelfth new system of records will be designated as NTSB–23 and entitled, ''Transit Subsidy Program Records,'' to provide transit subsidy benefits to NTSB employees who are eligible to receive such benefits.
- The thirteenth new system of records will be designated as NTSB–24 and entitled, ''Facility Security Access Control System,'' to provide individuals with an electronic keycard to access secured office space and areas within NTSB offices.
- The fourteenth new system of records will be designated as NTSB–25 and entitled, ''Employee Purchase Card Holders,'' to track, control, and manage a purchase charge card program involving commercial purchases that the NTSB allows certain employees to make on behalf of the NTSB.
- The fifteenth new system of records will be designated as NTSB–26 and entitled, ''Office of Workers' Compensation Claim Records,'' to collect and maintain information necessary for reviewing and acting on workers' compensation claims after an individual reports an occupational injury or illness.
- The sixteenth new system of records will be designated as NTSB–27 and entitled, ''Employee Performance Folders,'' to maintain factual information regarding employees' performance, as documented in awards, performance appraisals, and other such records.
- The seventeenth new system of records will be designated as NTSB–28 and entitled, ''Employee Medical Folders,'' to maintain necessary information about medical conditions that an employee may have.
- The eighteenth new system of records will be designated as NTSB–29 and entitled, ''Job Application and Merit Promotion Files,'' to process job applications in response to vacancy announcements, and for merit promotion within the NTSB.
- The nineteenth new system of records will be designated as NTSB–30 and entitled, ''Training Records,'' to maintain a listing of individuals' training so that the NTSB can accurately assess skill levels and develop future training initiatives.
- The twentieth new system of records will be designated as NTSB–31 and entitled, ''Labor-Management Relations Records,'' to comply with statutory and regulatory requirements applicable to Federal agencies with regard to organized labor.
- The twenty-first new system of records will be designated as NTSB–32

and entitled, ''Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records,'' to comply with the Ethics in Government Act of 1978, as amended, and other relevant statutes, Executive Orders, and implementing regulations.

The NTSB will also revise nine of its existing Systems of Record Notices, and delete two systems of records. These revisions will each include references to the routine uses listed in Appendix A of this Notice, as well as updated safeguards for information, updated contact information, and the like. For ease of reference, a new notification describing each system is included below. Finally, the NTSB will delete two existing Systems of Records Notices concerning systems that the NTSB no longer maintains.

These systems were entitled, NTSB–1, ''Claimants under the Federal Tort Claims Act,'' and NTSB–9, ''Employee Locator Cards.''

Finally, the NTSB notes that each of the descriptions below includes a reference to the Chief of the NTSB's Records Management Division. Individuals may request access to or amendment of records pertaining to themselves by contacting the Chief of the NTSB's Records Management Division, or the Chief's designee. Several descriptions also reference particular General Records Schedules; these Schedules are from the National Archives and Records Administration (NARA), and are available on the NARA Web site.

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Appendix B: Government-Wide Systems of Records Applicable to the NTSB

NTSB–2

SYSTEM NAME:

Official Personnel Folders.

SYSTEM LOCATION:

Records regarding current NTSB employees are located at: National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594. Records regarding former NTSB employees who have not transferred to another Federal agency are located at the National Personnel Records Center, National Archives and Records Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and certain former NTSB employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include employee's name, Social Security number, date of birth, home address, home telephone number, and specialized education. Records reflect Federal service and work experience, including past and present positions held, grades, salaries, duty station locations, and notices of all personnel actions, such as appointments, promotions, reassignments, demotions, details, transfers, reductions-in-force, resignations, retirements, removal, and suspensions. Records also include information concerning election and/or waiver of Federal benefits, including employees' designation of beneficiaries for these and other programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 *et seq.*, 1302, 2951, 3301, 4118, 8347; 5 CFR part 293; Executive Order Nos. 9,397, 9,830, and 12,107.

PURPOSE(S):

This system contains basic factual data concerning a person's Federal employment while in service. Records in this system have several uses, such as screening qualifications of employees; determining status, eligibility, and employees' rights and benefits under statutes and regulations applicable to Federal employment; and computing an employee's length of service and other such details. Overall, information in this system is necessary to fulfill several requirements of the above-listed statutes, regulations, and Executive Orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to educational institutions on appointment of a recent graduate to a position in the Federal service;

2. Disclosure to the Office of Federal Employees Life Insurance or health insurance carriers to provide benefit information on Federal employees; and

3. Disclosure to officials of labor organizations under 5 U.S.C. chapter 71, when relevant and necessary to the organizations' duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

4. Disclosure to the Office of Personnel Management or other investigative agencies for suitability and national security background investigations.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Records are stored on paper in file folders within the Human Resources Division of the NTSB, at the address above.

RETRIEVABILITY:

These records are retrieved by the name, Social Security number, or date of birth of the individuals about whom they concern.

SAFEGUARDS:

Records are maintained in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location.

This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains records within this system for the period of the employee's service at the NTSB. When an employee leaves the NTSB to begin employment at another Federal agency, the NTSB transfers these records to the employee's new Federal agency. When an employee retires, resigns, or dies, the NTSB forwards the employee's record to the National Personnel Records Center for permanent storage, in accordance with General Records Schedule 1, item 1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains and NTSB officials responsible for pay, leave, and activity reporting requirements.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

NTSB–3

SYSTEM NAME:

Personnel Security and Investigative Records.

SYSTEM LOCATION:

National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, prospective employees, and potential contractors seeking access to sensitive materials or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security folders containing the results of name checks, inquiries, record checks, and investigations furnished by the Office of Personnel Management (OPM), the Federal Bureau of Investigation, or a private service provider. Information in these records may contain dates and places of birth, citizenship, marital status, military status, and Social Security records. In addition, these records may contain investigative information concerning an individual's character, conduct, and behavior, as well as arrests, convictions, or judgments regarding any legal or regulatory violations. Records may also contain information from current and former supervisors, colleagues, associates, and educators; in addition, records may contain financial or medical records and any other information developed from the records listed above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 10,450.

PURPOSE(S):

The NTSB maintains this system to determine whether the employment of a job applicant, or retention of a current employee, is in the interest of the Government, as well as which persons may have access to classified or sensitive material and access to other facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to other Federal agencies when necessary to allow the individual to access classified or sensitive material that other Federal agencies maintain;
2. Disclosure to other Federal agencies or private organizations when necessary to allow the individual to visit a certain facility or site; and
3. Disclosure to OPM, when necessary for an investigation, personnel matter, or an assessment of agency compliance with Federal personnel security and suitability program requirements.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders within the Human Resources Division or Office of Management at the NTSB, at the address above.

RETRIEVABILITY:

These records are retrieved by either the name or Social Security number of the individuals about whom they concern.

SAFEGUARDS:

Records are maintained in locked metal file cabinets that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information

Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains records within this system in accordance with OPM directives and General Records Schedule 18, item 22. In general, the NTSB destroys records in this system once the records are obsolete or no longer warrant retention, such as at the conclusion of three years following the year that the employee departed from the NTSB. In the event that an employee accepts employment at another Federal agency, the NTSB may transfer the employee's file to that agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains, and may be obtained from NTSB officials, former employers, educational institutions, and individuals who are familiar with the individual, as well as officials from other Federal agencies.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

NTSB–4

SYSTEM NAME:

Employee Travel Records.

SYSTEM LOCATION:

National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. The National Business Center, which is a division of the Department of Interior, stores some information electronically off-site on behalf of the NTSB, at: National Business Center, DOI, Payroll Operations Division, Mail Stop D–2600, 7301 West Mansfield Avenue, Lakewood, Colorado 80235–2230. As described below, the National Business Center transfers the records to the Federal Records Center after the expiration of one year following the date of the employee's travel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have traveled pursuant to authorized official business of the NTSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers, which include receipts for various expenditures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Travel Expense Amendments Act of 1975, Public Law No. 94–22, 89 Stat. 84 (codified at 5 U.S.C. 5701–5707).

PURPOSE(S):

The NTSB maintains this system to determine and verify amounts to be paid to an employee for reimbursement of travel expenses from authorized and official travel on behalf of the NTSB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

- Disclosure to other Federal agencies that need the information for an audit or investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are scanned and saved in an electronic database. In addition, some copies of the records are stored on paper in file folders within the employee's office at the NTSB, at the address above.

RETRIEVABILITY:

These records are indexed by name.

SAFEGUARDS:

Paper records are maintained in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer systems. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

Pursuant to General Records Schedule 9, items 3 and 4, the NTSB maintains records for one year after payment of the allowable travel expenses; thereafter, the NTSB sends the records to the Federal Records Center, National Archives and Records Administration, which maintains the records for six years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

NTSB–5

SYSTEM NAME:

Executive Branch Confidential Financial Disclosure Reports.

SYSTEM LOCATION:

National Transportation Safety Board, Office of General Counsel, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTSB employees who must submit confidential financial disclosure reports under the requirements of the Ethics in Government Act of 1978 (hereinafter ''Ethics Act''), as amended, or to whom the Ethics Act otherwise applies. All such individuals are described in the categories listed in Government-wide system of records notice OGE/GOVT–2. The NTSB incorporates by reference the text of OGE/GOVT–2 into this Notice; as such, this Notice contains a summary of the information and provisions of OGE/GOVT–2 and descriptions of how NTSB–5 is consistent with OGE/GOVT–2, and identifies any differences between NTSB–5 and OGE/GOVT–2. OGE/GOVT–2 is available at 68 FR 3098 (Jan. 22, 2003), as updated at 68 FR 24744 (May 8, 2003).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information that is necessary for administration of all provisions of the Ethics Act and the Ethics Reform Act of 1989, as amended, and Executive Order 12,674, as modified. In particular, this system contains statements and amended statements of personal and family holdings and other interests in property; income; gifts and reimbursements; liabilities; agreements and arrangements; outside positions; and other information related to conflict-of-interest determinations. These statements may consist of certifications of no new interests for the reporting period, and may be supplemental or alternative confidential report forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I of the Ethics in Government Act of 1978, Public Law No. 95–521, 92 Stat. 1824 (codified as amended 5 U.S.C. 7301, 7351, 7353, and other scattered sections of 5 U.S.C.); 5 CFR part 2634; Executive Order 12,674 (as modified by Executive Order 12,731).

PURPOSE(S):

The NTSB collects the records in this system in order to comply with the Ethics Act, and implementing Office of Government Ethics (OGE) regulations and applicable Executive Orders. The collection of these records is necessary to assure compliance with statutory and regulatory requirements, to determine if an actual or apparent conflict of interest exists between the employment of individuals by the Federal Government and their outside employment and financial interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

The NTSB notes that, when the Director or other authorized officials of OGE requests that the NTSB furnish OGE with records from this system, such disclosure will be in response to OGE's need for the records in the performance of their official duties under the Ethics Act, and other related statutes, regulations, and Executive Orders, pursuant to 5 U.S.C. 552a(b)(1). In addition to other disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

1. Disclosure of information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination; and

2. Disclosure of the confidential financial disclosure report or certificate of no new interests and any accompanying documents to reviewing officials in a new office, department, or agency when an employee transfers or is detailed from a covered position in one office, department, or agency to a covered position in another office, department, or agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records on paper in file folders.

RETRIEVABILITY:

Records in this system are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

In accordance with General Records Schedule 25, the NTSB retains these records for a period of six years after filing, or for such other period of time as set forth in Schedule 25 for certain types of ethics records. The NTSB may retain records needed in an ongoing investigation for a period that exceeds six years, until the investigation no longer requires such records. At the expiration of the retention period, the NTSB destroys these records by shredding them.

SYSTEM MANAGER(S) AND ADDRESS:

Designated Agency Ethics Official, National Transportation Safety Board, 490 East L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Designated Agency Ethics Official at the following address: National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Dates of employment; and
3. Signature.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Current and former NTSB employees, or designated persons on behalf of such employees, such as trustees, attorneys, accountants, bankers, or relatives; Federal officials who review the records to make conflict-of-interest determinations; persons alleging conflicts of interest or violations of other ethics laws, and persons contacted during any investigation of the allegations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–6

SYSTEM NAME:

Employee Payroll, Leave, and Attendance Records.

SYSTEM LOCATION:

National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594. The National Business Center, which is a division of the Department of Interior, stores some information electronically off-site on behalf of the NTSB, at: National Business Center, DOI, Payroll Operations Division, Mail Stop D–2600, 7301 West Mansfield Avenue, Lakewood, Colorado 80235–2230. In addition, the NTSB stores payroll records pertaining to individuals who have retired from the NTSB at the National Archives and Records Administration, National Personnel Records Center (Civilian Personnel Records Center), 111 Winnebago Street, St. Louis, Missouri 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former employees of the NTSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

The agency's system consists of four files. Official personnel files held by the NTSB are governed by the U.S. Office of Personnel Management (OPM) regulations, at 5 CFR parts 293 and 297.

1. *Official personnel file:* This file consists of the forms and documents that record employees' Standard Form 50s, copies of benefits election forms, and applications used for qualification determinations. This is a paper file.

2. *Security File:* This file is described at NTSB–3, above. Duplicates of the security records described in NTSB–3 may also exist in this system, designated as NTSB–6.

3. *Payroll file:* This file consists of documents related to employees' pay and related payroll deductions that are not filed in the official personnel file. These files may contain copies of income tax forms, savings bond elections, net deposits and allotments, union dues elections, benefits elections, and records regarding garnishments. This is a paper file.

4. *Time and attendance reports:* This system consists of credit hour records, biweekly summaries of hours worked and leave taken, flextime records, leave applications, authorized premium pay, danger pay requests, and corrections. This information is maintained in an electronic system, and some records may exist on microfiche.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR Parts 293 and 297; Executive Order 12107.

PURPOSE(S):

The NTSB uses these records to establish and maintain employee qualifications, benefits and pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to the Treasury Department for payroll purposes or for the issuance of savings bonds;

2. Disclosure to the Office of Personnel Management for retirement, health and life insurance purposes, and to carry out the Government-wide personnel management functions of the NTSB;

3. Disclosure to the National Finance Center for the Thrift Savings Plan and Temporary Continuation of Coverage;

4. Disclosure to the Social Security Administration for compliance with the Federal Insurance Compensation Act;

5. Disclosure to the Internal Revenue Service for taxable earnings and withholding purposes, or for audit and inspection and investigation purposes;

6. Disclosure to the Combined Federal Campaign for charitable contribution purposes;

7. Disclosure to the American Federation of Government Employees for union dues;

8. Disclosure to state and local government tax entities for income tax purposes;

9. Disclosure to holders of judgment liens, for the purposes of garnishments; and

10. Disclosure to arbitrators pursuant to a negotiated labor agreement or to Equal Employment Opportunity investigators who hear or investigate employee grievances or complaints of discrimination.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Official personnel files, security files, and payroll files and are kept in file folders, which the NTSB maintains within metal file cabinets in a locked office. Time and attendance reports are maintained in an electronic system, as described above.

RETRIEVABILITY:

Official personnel files, payroll files, and time and attendance reports are indexed by name.

SAFEGUARDS:

Records are maintained in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained a in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains and disposes of records within this system as follows:

1. The NTSB retains each employee's official personnel file until the end of the first thirty days following the date of the individual's separation from the NTSB if the individual is not thereafter employed by a Federal agency, pursuant to General Records Schedule 1, item 1.

After expiration of the thirty-day period, the NTSB sends records to the National Archives and Records Administration, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri. However, if following the separation from the NTSB, the individual is employed by another Federal agency, the NTSB maintains the records until that Federal agency requests the records from the NTSB;

2. Security records are kept for three years following an employee's separation, as described at NTSB–3, above;

3. The NTSB retains payroll records for three calendar years following the year in which the employee separates; and

4. The NTSB retains time and attendance reports for six years after the year of the employee's separation.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals about whom the records concern, individuals' supervisors, and NTSB employees acting in their official capacities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–7

SYSTEM NAME:

Equal Employment Opportunity (EEO) Discrimination Complaint Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Equal Employment Opportunity, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, classes of individuals, or organizations which have consulted an EEO Counselor regarding discrimination on the basis of race, color, religion, sex, national origin, physical disability or age because of a determination or decision made by a Safety Board official or which have filed a formal allegation of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning pre-complaint processing and formal allegations of discrimination. The records consist of counselors' reports, the initial allegations, letters or notices to the individual or organization, materials placed into the record to support or refute the decision or determination, statements of witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions, recommendations, and final administrative actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 11,478; 42 U.S.C. 2000e; 29 U.S.C. 633a; 29 CFR part 1614.

PURPOSE(S):

The NTSB uses these records to initiate, investigate, and resolve discrimination complaints within the NTSB. The NTSB may also use these records as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the NTSB collects and maintains the records, or for related personnel management functions or manpower studies. In addition, the NTSB may use these records to locate specific individuals for personnel research or other personnel management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel), the Federal Mediation and Conciliation Service, and to an arbitrator, in carrying out their functions;

2. Disclosure to other Federal or foreign agencies that need the information for an audit or investigation of a civil, criminal, or regulatory violation or potential violation;

3. A record from this system of records may be disclosed to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit;

4. Disclosure to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter;

5. Disclosure in response to a subpoena to the NTSB where Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, have issued the subpoena;

6. Where a contract between an NTSB office and a labor organization recognized under Executive Order No. 11,491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, the NTSB may disclose records in this system of records to such organization;

7. Disclosure to a private entity with which the NTSB maintains a contractual relationship for the purposes of investigating discrimination claims or collating, analyzing, aggregating or otherwise refining records in this system, where the private entity is subject to a non-disclosure agreement and understands that it must honor Privacy Act safeguards with respect to such records;

8. In the event of litigation where the defendant is (a) the NTSB, any component of the NTSB, or any employee of the NTSB in his or her

official capacity; (b) the United States, where the NTSB determines that the claim, if successful, is likely to directly affect the operations of the NTSB or any of its components; or (c) any NTSB employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, the NTSB may disclose such records as it deems desirable or necessary to the Department of Justice to enable the NTSB to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected;

9. Records may be disclosed to student volunteers, individuals working under a personal services contract, and other individuals performing functions for the NTSB but technically not having the status of NTSB employees, if they need access to the records to perform their assigned agency functions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals or organizations concerning which the NTSB maintains them.

SAFEGUARDS:

Records are maintained in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The records are retained for four years after final disposition of the EEO complaint. After the four-year period expires, the NTSB destroys the records, pursuant to General Records Schedule 1, item 25.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Equal Employment Opportunity, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains the records in this system from: the individual to whom the record pertains; the NTSB or other officials; NTSB employees or other witnesses; and the EEO director or other such persons or organizations who create or submit official documents relating to the counseling or formal allegation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

To the extent that any records in this system consist of attorney work product or attorney-client communications, 5 U.S.C. 552a(d)(5) may apply to preclude access to any information compiled in reasonable anticipation of a civil action or proceeding.

NTSB–8

SYSTEM NAME:

FOIA and Privacy Act Request Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Chief Information Officer, Records Management Division, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who make requests for NTSB records under the Freedom of Information Act (FOIA) or the Privacy Act (PA), and administrative appeals based on responses to those requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of written requests from individuals or organizations made under the provisions of the FOIA or PA, NTSB response letters, copies of requested records, and records concerning an administrative appeal of the response, where the requester has submitted such an appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Freedom of Information Act, as amended, (codified at 5 U.S.C. 552); the Privacy Act of 1974, as amended (codified at 5 U.S.C. 552a).

PURPOSE(S):

The NTSB maintains these records to process requests made under the provisions of the Freedom of Information Act and Privacy Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to a court, or other deciding agency or official, when a requester has filed an appeal or court suit concerning a request; and
2. Disclosure to another Federal agency when consultation or referral is required to process a request.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records of correspondence regarding a requester's request or appeal are stored manually in file folders and electronically, in a database. Records within the scope of a requester's request may be stored on audiotapes and/or videotapes, on computer disks, and electronically, in databases.

RETRIEVABILITY:

The NTSB retrieves records in this system by unique assigned number for each request, by the requester's name, or by the investigation number, where the requester seeks information from a particular accident investigation.

SAFEGUARDS:

Paper records are maintained in locked file cabinets or shelving that is restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains the records in this system until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. The NTSB also disposes of records within this system in accordance with General Records Schedule 14.

SYSTEM MANAGER AND ADDRESS:

Freedom of Information Act Officer, National Transportation Safety Board, Attention: FOIA and Privacy Act Requester Service Center, CIO–40, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Subject of FOIA request or Privacy Act record;
3. Date of FOIA or Privacy Act request; and
4. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals who submit requests and administrative appeals pursuant to FOIA and PA, agency records obtained in the process of responding to such requests and appeals and NTSB personnel who handle such requests and appeals. These requests are accepted by fax, public web, postal mail, and e-mail.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–10

SYSTEM NAME:

Employee Records of Disciplinary Action, Adverse Action, and Grievance and Appeal Files.

SYSTEM LOCATION:

National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former National Transportation Safety Board Federal employees against whom such action has been proposed or taken in accordance with 5 CFR parts 315 (subparts H and I), 432, 752, or 754.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current and former National Transportation Safety Board Federal employees against whom such action has been proposed or taken in accordance with 5 CFR parts 315 (subparts H and I), 432, 752, or 754, or who have filed grievances pursuant to 5 CFR 771.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records and documents concerning: (1) The processing of disciplinary and adverse actions, performance-based reduction in grade and removal actions, and grievances and appeals of such actions; (2) the termination of employees serving initial appointment probation and return to their former grade of employees serving supervisory or managerial probation; and (3) grievances raised by agency employees, except EEO complaints and grievances filed under negotiated grievance procedures in accordance with 5 U.S.C. 7121. The records include, as appropriate: Copies of the notice of proposed action; materials upon which the NTSB relied to support the reasons in the notice; replies by the employee; statements of witnesses and affidavits; hearing notices; reports of investigations; agency decisions; and records of resolutions or settlement agreements, which may include reports of interviews and hearing examiners; findings and recommendations, copies of original decisions, related correspondence and exhibits, and records concerning reconsideration requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3321, 4303, 4308, 5115, 5338, 7151, 7301, 7504, 7514, 7543, 7701, and 8347; 5 CFR part 771.

PURPOSE(S):

The NTSB maintains this system of records regarding the proposal, processing, and documentation of disciplinary and adverse employment actions in order to comply with 5 CFR parts 315 (subparts H and I), 432, 752, or 754; in addition, the NTSB maintains grievance information in accordance with 5 CFR part 771.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions;
2. Disclosure to other Federal or foreign agencies that need the information for an audit or investigation of a civil, criminal, or regulatory violation or potential violation;
3. Disclosure to any source from which the NTSB requests additional information for processing any of the covered actions or in regard to an appeal or administrative review procedure, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested;
4. Disclosure to a Federal agency, in response to its request, in connection

with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter;

5. Disclosure to another Federal agency, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding;

6. Disclosure to other agencies or contractors for other agencies, when disclosure is necessary to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies in support of the function for which the other organization seeks to collect the record, or for related workforce studies; the NTSB notes that, while published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

7. Disclosure to a party engaged in litigation of information that is relevant to subject matter concerning a pending judicial or administrative proceeding, when such disclosure is subject to discovery or order from a court with competent jurisdiction;

8. Disclosure to the Merit System Protection Board in connection with appeals, special studies of the civil service and other merit systems, review of agency rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, as promulgated in 5 U.S.C. 1205 and 1206, and as specified in 5 U.S.C. 7503(c) and 5 U.S.C. 7513(e), or as may be authorized by any other applicable statute.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records on paper in file folders within a lectriever in a locked file room.

RETRIEVABILITY:

The NTSB retrieves records by name.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file room that is restricted through electronic keycards to enter the room where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB destroys these records five years after the closing of the case.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains the records in this system from: NTSB employees and supervisors, NTSB Office of Administration; representatives of NTSB employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–11

SYSTEM NAME:

Parking Permit Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NTSB employees who apply for parking permits at the NTSB headquarters facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains parking applications, which include but are not limited to, the applicant's name, address, telephone number, division, grade level, vehicle, carpool, handicap information, and justifications for the priority of parking permits. The NTSB collects parking applications from each applicant on a regular annual basis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 121(c); 41 CFR 102–74.305; Executive Order No. 12,191, 45 FR 7,997 (Feb. 1, 1980).

PURPOSE(S):

The NTSB maintains this system of records in order to provide parking for qualified NTSB employees located at the NTSB headquarters facility in Washington, DC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions;

2. Disclosure to other Federal or foreign agencies that need the information for an audit or investigation of a civil, criminal, or regulatory violation or potential violation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records on paper in file folders.

RETRIEVABILITY:

The NTSB retrieves these records by searching either by the employee's name or by the individual parking permit number.

SAFEGUARDS:

The NTSB maintains paper records within this system in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

As stated above, the NTSB collects parking applications on a regular annual basis. The NTSB retains applications for a period of 3 years, after which the NTSB destroys the applications, pursuant to General Records Schedule 9.

SYSTEM MANAGER AND ADDRESS:

Chief, Administrative Services Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Dates of employment; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

NTSB employees and supervisors, NTSB Administrative Services Division.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–12

SYSTEM NAME:

Employee Travel Card Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Chief Financial Officer, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTSB employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains credit card applications, a list of terms and conditions for use of credit cards, credit card training documentation, monthly reports regarding accounts, credit data, and related documentation, all of which may include an individual's name, Social Security number, and personal contact information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701; 31 U.S.C. 716, 1104, 3511–3512, 3701, 3711, 3717–3718, 3726; 41 CFR parts 301–304; Exec. Order No. 9,397, 8 FR 16,095 (Nov. 30, 1943); Consolidated Appropriations Act of 2005, Public Law No. 108–447, § 639, 118 Stat. 2809 (2004).

PURPOSE(S):

The NTSB collects information for this system in order to facilitate the process of obtaining travel cards for NTSB employees. Such travel cards are necessary for the provision of funds for employees' official travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to the General Services Administration and the Office of Management and Budget for periodic reporting required by statute, regulation, and/or Executive Order;
2. Disclosure to the bank that issued the credit card, for necessary record-keeping purposes;
3. Disclosure to the National Business Center of the Department of Interior, for facilitating collection of travel card delinquencies by employee salary offset; and
4. Disclosure to a consumer reporting agency, for the purpose of obtaining the credit reports necessary to provide the credit cards, and not for the purposes listed at 5 U.S.C. 552(b)(12) (referring to Debt Collection Act).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as described at 5 U.S.C. 552a(b)(12).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains the information in this system on paper files, in file folders, and in an electronic database.

RETRIEVABILITY:

Records in this system are indexed by name.

SAFEGUARDS:

The NTSB maintains paper records within this system in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains electronic records in this system until the NTSB no longer

needs the records because the employee separates from Federal service and no pending claims on the employee's credit card exists, or until the retention period for the records has expired, pursuant to General Records Schedule 9.

SYSTEM MANAGER AND ADDRESS:

Chief, Accounting Division, Office of Chief Financial Officer, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains information in this system from NTSB employees, the bank issuing the credit card, the consumer reporting agency, and outside vendors who have provided travel services or accommodations to an NTSB employee for the employee's official travel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–13

SYSTEM NAME:

Airman or Mariner Certificate Enforcement Actions.

SYSTEM LOCATION:

Primary system: Office of Administrative Law Judges, NTSB, 490 L'Enfant Plaza, SW., Washington, DC 20594. Upon assignment of a case to an NTSB Administrative Law Judge (ALJ) located in Texas, the case file is maintained at 624 Six Flags Drive, Suite 150, Arlington, Texas 76011; upon assignment of a case to an NTSB ALJ in Colorado, the case file is maintained at 4760 Oakland Street, Suite 500, Denver, Colorado 80239. When a party appeals the decision of the NTSB ALJ, the Office of Administrative Law Judges transfers the case's docket file to the NTSB Office of General Counsel, 490 L'Enfant Plaza, SW., Washington, DC 20594, until the Safety Board has served a final ruling on the appeal, at which time the Office of General Counsel transfers the docket file back to the Office of Administrative Law Judges.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who hold airman certificates who have been subject to Federal Aviation Administration (FAA) enforcement actions, or to whom the FAA has denied certification; and mariners who hold maritime licenses, certificates, documents, or registers who have been subject to U.S. Coast Guard enforcement actions or certificate denials.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes, but is not limited to, the petition or appeal filed by an airman, pleadings from both parties in the case; motions and responses filed by the parties; relevant documents related to these actions (i.e., Orders of Revocation, Orders of Suspension, Orders of Assessment, Denials of applications for issuance of airman certificates); hearing notices, transcripts of hearings, exhibits introduced during hearings; and Administrative Law Judges' decisions. For cases that a party appeals to the full five-member Board, records will include the following additional categories: Notice of Appeal for review of the Judge's decision, and briefs in support of that appeal; the Board's Opinion and Order resulting from the review; and other correspondence that is initiated by the Board, or parties pertaining to the case. Where a case arises out of a U.S. Coast Guard action, records will include: the U.S. Coast Guard order; the Notice of Appeal of the Commandant's decision; parties' appeal briefs; the decision of the Administrative Law Judge, and the Commandant's decision on appeal; in addition, if a hearing occurred, records will include the transcript of testimony and exhibits from the hearing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 216B, 239-a-b; 49 U.S.C. 1133, 44106, 44703, 44709, 44710, and 46301.

PURPOSE(S):

The NTSB maintains this system in order to fulfill Congress's statutory directive of deciding airman and mariner appeals, in accordance with 49 U.S.C. 1133; the NTSB manages the case load and tracks all documents related to cases in this system of records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure in response to discovery ordered by a court, in accordance with 49 U.S.C. 1153; and
2. Publicly available records within the system, which the Privacy Act does not preclude from disclosure (e.g., final decisions issued by ALJs and the Board), are available on the NTSB Web site, *http://www.ntsb.gov.*

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are primarily maintained on paper in docket folders. In addition, the Office of Administrative Law Judges maintains certain information regarding each case in a searchable electronic database.

RETRIEVABILITY:

The electronic database is indexed by names of the certificate holder who is the subject of the action and by docket numbers, which are assigned when individual cases are received and docketed. Paper docket files are indexed by the airman's or mariner's surname.

SAFEGUARDS:

The NTSB maintains paper records within this system in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following

laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains paper docket files for one year following the disposition of the case. After the one-year period has expired, the NTSB sends files to the Federal Records Center, National Archives and Records Administration, which destroys the files after 15 years in cases for which a hearing occurred, or after 6 years in cases in which no hearing occurred.

SYSTEM MANAGER AND ADDRESS:

Manager, ALJ Operations, National Transportation Safety Board, Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Certificate Number; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB primarily obtains information in the records from the individual to whom a record pertains, authorized representatives for these individuals, from information supplied by the certificate holder, and attorneys and other representatives from the FAA and the U.S. Coast Guard.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–14

SYSTEM NAME:

Information Request Database.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Chief Information Officer, Records Management Division, 490 L'Enfant Plaza, SW., Washington, DC 20594

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals seeking publicly available information from the NTSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the individual's name, address, telephone number, email address, and a description of the requested records. The list may also include the requester's title, occupation, and institutional affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552(a)(2); 49 U.S.C. 1131(e)

PURPOSE(S):

The NTSB maintains this system in order to provide individuals and organizations, at their request, with publicly available information that the NTSB produces.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The NTSB may disclose information from this system of records in accordance with subsection (b) of the Privacy Act, and as described in Appendix A, below.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and electronically in databases.

RETRIEVABILITY:

Records are indexed by individual name, company name, accident date, accident location, accident number and mailing list title.

SAFEGUARDS:

The NTSB maintains paper records within this system in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in a secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains these records until the request has been fulfilled and the individual requests removal from the system.

SYSTEM MANAGER AND ADDRESS:

Records Management Officer, National Transportation Safety Board, Office of the Chief Information Officer, Records Management Division, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of correspondence; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals who provide their name and mailing address directly to the NTSB.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–15

SYSTEM NAME:

NTSB Staff Database.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Chief Information Officer, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have a domain account on the agency's network. These

individuals include: former and current NTSB employees, consultants, contractors, interns, and employees from other Federal agencies who are temporarily assigned to work at the NTSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records within this system include the individual's name; photograph; personal or agency-issued cell phone number(s); and a history of the individual's previous employment positions and titles, including date ranges, contact information of the previous employer, and the individual's managerial status in such positions

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Information Security Management Act, enacted as Title III of E-Government Act of 2002, Public Law No. 107–347, 116 Stat. 2899 (codified at 44 U.S.C. 3541 *et seq.*)

PURPOSE(S):

The NTSB uses the data in this system to control access to various NTSB applications that require a listing of employees by office and position. The NTSB also generates a listing of employees' names and offices for an internal office telephone directory from this list.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

- Disclosure to other Federal agencies that need the information for an audit or investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB stores all records in this system electronically in a database.

RETRIEVABILITY:

Records are indexed by name and office identifier, and can be retrieved using the web-based graphical user interface.

SAFEGUARDS:

The NTSB maintains these computerized records in a secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains this data for the duration of the use of the applications for which the data supports. The NTSB marks inactive or former employees as such, but maintains the data for historical relevance and auditing purposes.

SYSTEM MANAGER AND ADDRESS:

Chief, Computer Service Division, Office of the Chief Information Officer, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains the information for records within this system from the individual, after the individual has provided the information to the NTSB Office of Administration, Human Resources Division.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–16

SYSTEM NAME:

Correspondence Control Database.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Management, Quality Assurance Division, Executive Secretariat, 490 L'Enfant Plaza, East, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public, other government agencies, Members of Congress, the White House, and members of private industry seeking information from or about the NTSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the individual's name, address, and other contact information, as well as a description of the subject of the correspondence or request. The list may also include the requester's title, occupation, and institutional affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552(a)(2); 49 U.S.C. 1131(e).

PURPOSE(S):

The NTSB maintains this system in order to verify receipt, generate a response, and establish a record of mail addressed to the head of the agency that requires the signature of the Chairman or an NTSB office director.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The NTSB may disclose information in accordance with subsection (b) of the Privacy Act, and as described in Appendix A, below.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB office that drafts the response to the correspondence stores paper records in this system in file folders in metal file cabinets; the NTSB Office of Management stores some categories of information electronically in a database. The NTSB may transmit

some records to other offices within the NTSB when a response to the correspondence requires input from another office.

RETRIEVABILITY:

Records are indexed by individual's name, organization, date of correspondence, and subject matter.

SAFEGUARDS:

The NTSB maintains paper records within this system in file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB permanently maintains records in the electronic system. The NTSB maintains corresponding paper records within this system until the expiration of 3 years following the final response to the correspondence, after which the NTSB destroys the records by shredding them.

SYSTEM MANAGER AND ADDRESS:

Executive Secretariat, Office of Management, Quality Assurance Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date and subject of correspondence; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals who provide their name and mailing address directly to the NTSB in their correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–17

SYSTEM NAME:

Office of Transportation Disaster Assistance Family Member Database.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Transportation Disaster Assistance, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Family members and victims of transportation accidents that are or have been the subject of an NTSB investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and contact information of victims of transportation accidents, as well as the names and contact information for victims' family members and legal next-of-kin.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 1136.

PURPOSE(S):

The NTSB uses this system to maintain mailing and telephone contact information in order to provide services and information to victims of transportation accidents, and/or victims' family members and next-of-kin.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

1. Disclosure to other government agencies, when necessary to determine whether the victim and/or family member has received information or services in accordance with 49 U.S.C. § 1136(c); and
2. Disclosure to state police or other agencies, when necessary for safety of Federal employees.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB stores information electronically in a database.

RETRIEVABILITY:

The database containing information in this system is searchable by name, NTSB investigation number, and date and location of transportation accident.

SAFEGUARDS:

The computerized records that compose this system of records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains the records in this system indefinitely, unless an individual requests removal from the system.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Transportation Disaster Assistance, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board,

490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date, location, or NTSB investigation identifier pertaining to the accident investigation from which the NTSB created the record; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals directly submit their own contact information for inclusion in the database; the NTSB may also obtain information from other Federal agencies who provide assistance to victims and victims' family members, or from transportation operators who may have passenger lists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–18

SYSTEM NAME:

Correspondence from Members of Congress.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Government and Industry Affairs, 490 L'Enfant Plaza, SW., Washington, DC 20594

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senators, Members of Congress, and congressional staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests and written correspondence from Members of Congress and congressional staff, Safety Board responses to Members of Congress, and records regarding the Safety Board's preparation of response to Members' inquiries and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552(a)(2); 49 U.S.C. 1101–1155.

PURPOSE(S):

The NTSB utilizes this system to track and provide timely responses to inquiries and correspondence from Members of Congress and congressional staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

- Disclosure to other government agencies, when necessary to respond to inquiries or correspondence from Members of Congress.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records in paper folders within file cabinets and in an electronic database.

RETRIEVABILITY:

Records are indexed by the surname of the Senator or Member of Congress.

SAFEGUARDS:

The NTSB maintains paper records within this system in file cabinets that are restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains these documents until the Member of Congress is no longer serving in Congress, or until the NTSB determines that it no longer needs the record after the NTSB has responded to the request or inquiry. The NTSB destroys records by shredding them.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Government and Industry Affairs, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594,

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Subject of original correspondence; and
3. Signature.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Members of Congress, congressional staff, employees of other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–19

SYSTEM NAME:

Training Center Student Registration Database.

SYSTEM LOCATION:

NTSB Training Center, 45065 Riverside Parkway, Ashburn, Virginia 20147.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students, members of the public, NTSB employees, and employees of state and Federal agencies who have registered to attend training course(s) at the NTSB Training Center

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of course applications and the revenue collected for all training courses that are offered to the public and to NTSB employees. The applications include, but are not limited to, the registrant's name, address, telephone and fax number, e-mail address, country, and payment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 1115 and 1118(c)

PURPOSE(S):

The NTSB uses this system to register students, issue student transcripts and certificates of completion of training programs, and record associated tuition payment for training courses at the NTSB Training Center.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to the Department of Interior, National Business Center, for processing credit card or check payments for tuition, tuition refunds, or for collection of delinquencies;
2. Disclosure to the Department of State or an embassy for passports or visas, or for responding to request for disclosing international students and associated countries, and tuition collected;
3. Disclosure of limited information to an employer for verification of training completed;
4. Disclosure of limited information to a college or university as students requesting student transcripts; and
5. Disclosure to Congress for annual reporting requirements.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB stores the electronic database in a system on a SQL server. The NTSB maintains some paper folders, which the NTSB keeps in a locked cabinet at the NTSB Training Center.

RETRIEVABILITY:

Records are indexed by registrant's name or by student identification code assigned by the Office of the Assistant to the Associate Managing Director for the NTSB Training Center.

SAFEGUARDS:

The NTSB maintains paper records within this system in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located.

Computerized records are maintained in a secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The Training Center maintains student records in the electronic system for 10 years and paper files for 7 years, in accordance with the budgeting and financial management policy.

SYSTEM MANAGER AND ADDRESS:

Assistant to Associate Managing Director for NTSB Training Center, 45065 Riverside Parkway, Ashburn, Virginia 20147.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Employer;
3. Description of course that the individual attended or applied to attend;
4. Student identification number; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains information for this system from course applications that persons seeking to register for a training course submit to the NTSB Training Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–20

SYSTEM NAME:

Public Affairs Phone Log.

SYSTEM LOCATION:

Office of Public Affairs, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Journalists who contact the NTSB Public Affairs Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of caller, affiliation, phone number, e-mail address, subject of the call, and additional relevant comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 1101–1155; 49 CFR 800.2(b) and 831.13(a).

PURPOSE(S):

The NTSB maintains this system to keep a log of telephone activity for the Office of Public Affairs as it pertains to news media representatives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The NTSB may disclose information in accordance with subsection (b) of the Privacy Act, and as described in Appendix A, below.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains records within this system in an electronic database.

RETRIEVABILITY:

The database containing these records is searchable by name, affiliation, subject matter, or NTSB public affairs officer who handled the telephone call.

SAFEGUARDS:

The NTSB maintains the computerized records in this system of records in a secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard

was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E–Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains the records in this system indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Public Affairs, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Subject of original correspondence; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Journalists who contact the NTSB Office of Public Affairs via telephone.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–21

SYSTEM NAME:

Respiratory Protection Program Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Occupational Safety and Health, 490 L'Enfant Plaza East, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees who have received medical clearance and have been trained to don a half-face negative pressure respirator.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, date of birth, office location, job title, date of last medical clearance, date of last physical exam, medical clearance expiration date, suggested activity level while donning a respirator, date of training, date of fit test and type of respirator issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 653, 655, and 657; 29 CFR 1910.134(c)

PURPOSE(S):

The NTSB uses this system to document employee medical qualifications and training for respirator usage pursuant to OSHA regulations, 29 CFR 1910.134(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to other Federal agencies, such as the Department of Labor or the Office of Personnel Management, that need the information for an audit; and
2. Disclosure to other Federal agencies when necessary for the investigation of a potential civil, criminal, or regulatory violation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records in an electronic database and in paper file folders within a locked file cabinet.

RETRIEVABILITY:

All records in this system are indexed by name.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file cabinet that is restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E–Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains records within this system indefinitely, but will destroy the records when the NTSB determines it no longer needs the records.

SYSTEM MANAGER AND ADDRESS:

Manager, Occupational Safety and Health Program, National Transportation Safety Board, 490 L'Enfant Plaza East, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals to whom the records apply, the individual's supervisor (if the individual was referred to the program by his or her supervisor), and the

Manager of the Occupational Safety and Health Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–22

SYSTEM NAME:

Occupational Safety and Health Training Program.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Occupational Safety and Health, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current NTSB employees, interns, volunteers, contractors, and employees from other Federal agencies who may be on assignment at the NTSB. In addition, this system may include records concerning former NTSB employees, depending upon when the employee separated from the NTSB, as described below.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, Social Security number, office location, job title, and indication of whether employee has completed necessary training under the NTSB Occupational Safety and Health Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 668 and 673; 29 CFR 1960.59.

PURPOSE(S):

The NTSB maintains this system in order to document employee safety and health training, as required by 29 CFR 1960.59.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The NTSB may disclose information from this system of records in accordance with subsection (b) of the Privacy Act, and described in Appendix A, below.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records in an electronic database and in paper file folders within a locked file cabinet.

RETRIEVABILITY:

All records in this system are indexed by name, training course(s) assigned, and scores of quizzes administered during the training.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file cabinet that is restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E–Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains electronic and paper records until the expiration of five years after the employee leaves the NTSB.

SYSTEM MANAGER AND ADDRESS:

Manager, Occupational Safety and Health Program, National Transportation Safety Board, 490 L'Enfant Plaza East, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security Number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals to whom the records apply, the individual's supervisor (if the individual was referred to the program by his or her supervisor), and the Manager of the Occupational Safety and Health Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–23

SYSTEM NAME:

Transit Subsidy Program Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NTSB employees who apply for transit subsidy benefits from the Federal government.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of Transit Subsidy applications which include, but are not limited to, the applicant's name, address, telephone number, last four digits of Social Security number, office division, commuting costs, and employee certification. The NTSB collects these transit subsidy applications on a regular annual basis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7905; 26 U.S.C. 132(f)(2); IRS Revenue Procedure 2004–71, section 132(f)(2)(A).

PURPOSE(S):

The NTSB maintains this system of records in order to provide transit subsidy benefits to eligible NTSB employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to the Department of Transportation, for administration of the transit subsidy program and distribution of benefits to eligible recipients;
2. Disclosure to officials of labor organizations under 5 U.S.C. chapter 71, when relevant and necessary to the organizations' duties of exclusive representation concerning personnel

policies, practices, and matters affecting working conditions; and

3. Disclosure to the Internal Revenue Service for taxable earnings and withholding purposes, or for audit and inspection and investigation purposes, when necessary.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains records within this system in paper file folders within a locked file cabinet and in an electronic database.

RETRIEVABILITY:

Records are indexed by employee's name or last four digits of employee's Social Security number.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file cabinet that is restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

As stated above, the NTSB collects transit subsidy applications on a regular annual basis. The NTSB retains applications for a period of 3 years, after which the NTSB destroys the applications, pursuant to General Records Schedule 9.

SYSTEM MANAGER AND ADDRESS:

Chief, Administrative Services Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Last four digits of Social Security Number;
3. Dates of employment or NTSB service; and
4. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Employees who apply for transit subsidy benefits, applicants' supervisors, the NTSB Office of Administration, and the Department of Transportation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–24

SYSTEM NAME:

Facility Security Access Control System

SYSTEM LOCATION:

National Transportation Safety Board, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals and personnel that require access to NTSB Headquarters and regional office facilities. This includes NTSB employees, contractors, temporary employees, interns, property managers, volunteer workers, and any persons that the NTSB may permit to access NTSB facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of electronic cardholder information, which includes, but is not limited to, the individual's name, keycard number, personal identification number, access level, and cardholder history and transaction reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Information Security Management Act, enacted as Title III of E-Government Act of 2002, Public Law No. 107–347, 116 Stat. 2899 (codified at 44 U.S.C. 3541 *et seq.*)

PURPOSE(S):

The NTSB maintains this system to provide individuals with an electronic keycard to access secured office space and areas within the NTSB headquarters and regional office facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to property managers for building maintenance and/or security purposes; and
2. Disclosure to other Federal agencies that need the information for an audit or investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains this system in specialized electronic database.

RETRIEVABILITY:

Records within this system are indexed by individual's name, keycard number, personal identification number, and access level.

SAFEGUARDS:

The NTSB maintains the computerized records within this system in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and this System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB retains information in this database for periods of up to six months. The database runs on a regular schedule with regard to deleting records within the database after the passage of approximately six months; deletion of records older than six months occurs on a rolling basis.

SYSTEM MANAGER AND ADDRESS:

Chief, Administrative Services Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Dates of employment or NTSB service; and
3. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individuals who require access to NTSB headquarters and regional offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–25

SYSTEM NAME:

Employee Purchase Card Holders.

SYSTEM LOCATION:

National Transportation Safety Board, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NTSB employees who apply for and use NTSB-assigned purchase cards

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes personal information on individuals who apply for and use Federal charge cards, including individuals' names, Social Security numbers, business addresses (including city, state, country, and zip code), title or position, business telephone, business fax number, and business e-mail address. This system also includes account processing and management information, such as purchase authorizations and vouchers, charge card applications, charge card receipts, terms and conditions for card use, charge card transactions, contractor monthly reports showing charges to individual account numbers, account balances, and other data needed to authorize, account for, and pay authorized purchase card expenses.

The NTSB also maintains in this system a master list of open accounts that includes: cardholder names; transaction and card limits; cardholder business address and business telephone number; and the name of the official who has approved purchases using the purchase card(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 501–502; 41 U.S.C. chapter 4; Executive Order Nos. 9,397 and 12,931.

PURPOSE(S):

The NTSB uses this system to establish and maintain accurate records necessary for operating, controlling, and managing a purchase charge card program involving commercial purchases by authorized NTSB employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to a Federal, state, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order, where an agency becomes aware of a violation or potential violation of civil or criminal law or regulation;
2. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions;
3. Disclosure to the Government Accountability Office (GAO) or other Federal agencies when such agencies require the information to carry out their respective missions, such as conducting an audit;
4. Disclosure to an expert, consultant, or contractor in the performance of a Federal duty to which the information is relevant, including issuance of purchase cards; and
5. Disclosure to the National Business Center of the Department of Interior, for facilitating collection of travel card delinquencies by employee salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The NTSB may disclose records within this system to a consumer reporting agency when such disclosure is compliant with 5 U.S.C. 552a(b)(12).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB stores records within this system on paper in file folders, and stores certain information from the paper records in electronic media.

RETRIEVABILITY:

Records are indexed by name, credit card number, credit limits and scores, and Social Security numbers.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file cabinet that is restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB destroys these records after the expiration of 3 years subsequent to the NTSB's final payment for the purchase, in accordance with subpart 4.805 of the Federal Acquisition Regulations and General Records Schedule 3, item 3a(1)(b).

SYSTEM MANAGER AND ADDRESS:

Chief, Administrative Services Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains information in this system from individuals submitting Purchase Card applications, monthly contractor reports, purchase records, managers, other agencies, and non-Federal sources such as private firms.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–26

SYSTEM NAME:

Office of Workers' Compensation Claim Records.

SYSTEM LOCATION:

National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza SW., Washington, DC 20594. In addition, the NTSB may transfer records within this system to the Department of Labor, which maintains the records in accordance with DOL/GOVT–1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former NTSB employees who report an occupational injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information regarding the location and descriptions of an employee's injury or illness, treatment, and disposition of the claim, as well as copies of Office of Workers' Compensation Program claim forms, adjudication decisions, and hearing transcripts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101—8193.

PURPOSE(S):

The NTSB maintains this system in accordance with statutory requirements regarding the availability of workers' compensation, and the handling of claims for workers' compensation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

- Disclosure to the Department of Labor in accordance with an authorized representative under Department of Labor regulations, and to prepare periodic statistical reports on employees' health and injury status for transmission to and review by the Department of Labor (DOL).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as described at 5 U.S.C. 552a(b)(12).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records on paper within file folders.

RETRIEVABILITY:

The records within this system are indexed by employee name, organization, date of injury or illness, and assigned DOL claim number.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file cabinet that is restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB destroys employee case files 5 years after the disposition of the worker's compensation claim, in accordance with the National Archives and Records Administration's General Records Schedule 1, item 34.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains information for records in this system from: claimants; NTSB supervisors or employees whose official duties require the processing of such claims; and Occupational Safety and Health Administration, within the Department of Labor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–27

SYSTEM NAME:

Employee Performance Folders.

SYSTEM LOCATION:

Records regarding current NTSB employees are located at: National

Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594. Records regarding former NTSB employees who have not transferred to another Federal agency are located at the National Personnel Records Center, National Archives and Records Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTSB employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records within this system reflect Federal employees' annual performance appraisals, and documents in connection with incentive awards. All categories of records include identifying information, such as employee's name, social security number, and date of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. chapter 43; 5 CFR part 293.

PURPOSE(S):

The NTSB maintains this system of records to keep reports of incentive award personnel actions and employee's annual performance appraisals. This system of records is the repository of basic factual data about an employee's performance while in the service for the Federal government. Records in this system have various uses by the agency Human Resources Division, including employee relations purposes and audit purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions;

2. Disclosure to other Federal or foreign agencies that need the information for an audit or investigation of a civil, criminal, or regulatory violation or potential violation;

3. Disclosure to any source from which the NTSB requests additional information for processing any of the covered actions or in regard to an appeal or administrative review procedure, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested;

4. Disclosure to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter;

5. Disclosure to another Federal agency, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding;

6. Disclosure to other agencies or contractors for other agencies, when disclosure is necessary to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies in support of the function for which the other organization seeks to collect the record, or for related workforce studies; the NTSB notes that, while published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

7. Disclosure to a party engaged in litigation of information that is relevant to subject matter concerning a pending judicial or administrative proceeding, when such disclosure is subject to discovery or order from a court with competent jurisdiction; and

8. Disclosure to the Merit System Protection Board in connection with appeals, special studies of the civil service and other merit systems, review of agency rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, as promulgated in 5 U.S.C. 1205 and 1206, and as specified in 5 U.S.C. 7503(c) and 7513(e), or as may be authorized by any other applicable statute.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records on paper within file folders.

RETRIEVABILITY:

These records are indexed by name, date of birth, and Social Security number.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file room that is restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains each employee's Employee Performance Folder for the period of the employee's service in the agency. When an employee transfers to another Federal agency, the NTSB transmits these records to the new agency. When an employee retires, resigns or dies, the NTSB forwards the employee's record to the National Personnel Records Center.

SYSTEM MANAGER AND ADDRESS:

Chief, Administrative Services Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

NTSB employees, supervisors, officials with the NTSB Office of Administration and Human Resources Division, and management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–28

SYSTEM NAME:

Employee Medical Folders.

SYSTEM LOCATION:

Records regarding current NTSB employees are located at: National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594. Records regarding former NTSB employees who have not transferred to another Federal agency are located at the National Personnel Records Center, National Archives and Records Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTSB employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records reflecting Federal employees' medical documentation and any documents pertaining to an employee's medical condition(s), including medical reports, forms, and reports generated as a result of requests for work accommodations or benefits related to a medical condition. All categories of records may include identifying information, such as employee's name, Social Security number, date of birth, and any medical condition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302; 5 CFR 501–511.

PURPOSE(S):

This system of records is the official repository of employees' medical records; the NTSB maintains the records in this system for employee relation purposes, for handling potential work performance issues, and for audit purposes. The NTSB also maintains the records in this system in order to ensure that all relevant, necessary, accurate, and timely data are available to support any medical-related employment decisions affecting the subject of the records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions;

2. Disclosure to other agencies or contractors for other agencies, when disclosure is necessary to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies in support of the function for which the other organization seeks to collect the record, or for related workforce studies; the NTSB notes that, while published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference; and

3. Disclosure to the Merit System Protection Board in connection with appeals, special studies of the civil service and other merit systems, review of agency rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, as promulgated in 5 U.S.C. 1205 and 1206, and as specified in 5 U.S.C. 7503(c) and 7513(e), or as may be authorized by any other applicable statute.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains the records in this system on paper within file folders.

RETRIEVABILITY:

These records are indexed by name, date of birth, and Social Security number.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file room that is restricted through electronic keycards to enter the area where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The Employee Medical Folder is maintained for the period of the employee's service in the agency. When an employee leaves the agency, these records are either transferred with the employee to the new agency or once an employee either retires, resigns or dies, the record is forwarded to the National Personnel Records Center for permanent storage, in accordance with General Records Schedule 1, item 21.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and

5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

NTSB employees, supervisors, officials with the NTSB Office of Administration and Human Resources Division, other Federal agencies, and management officials

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–29

SYSTEM NAME:

Job Application and Merit Promotion Files.

SYSTEM LOCATION:

National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTSB employees; applicants for NTSB employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records regarding current NTSB employees and applicants for NTSB employment and merit promotion within the NTSB, including Form OF–612, applicants' names, Social Security numbers, home addresses, vacancy announcements, employment history, training and educational background, examination results, supervisors' evaluations, and other records relevant to an individual's application for a position or promotion at the NTSB.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301–3397, 5101–5115.

PURPOSE(S):

The NTSB maintains this system of records in order to process and respond to applications for employment or promotion at the NTSB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions;

2. Disclosure to other agencies or contractors for other agencies, when disclosure is necessary to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies in support of the function for which the other organization seeks to collect the record, or for related workforce studies; the NTSB notes that, while published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

3. Disclosure to the Merit System Protection Board in connection with appeals, special studies of the civil service and other merit systems, review of agency rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, as promulgated in 5 U.S.C. 1205 and 1206, and as specified in 5 U.S.C. 7503(c) and 7513(e), or as may be authorized by any other applicable statute; and

4. Disclosure to the Office of Federal Employees Life Insurance or to health insurance carriers to provide benefit information regarding NTSB employees.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains the records in this system concerning merit promotions on paper within file folders. The NTSB maintains the records in this system concerning job applications in an electronic database.

RETRIEVABILITY:

Records concerning merit promotions are indexed by name, date of birth, and Social Security number; records concerning applications for employment are indexed by applicant's name and by vacancy announcement number.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file cabinet that is restricted through electronic keycards to enter the facility where records are located. Computerized records are maintained in a secure, password protected computer system. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location.

This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB destroys records from this system concerning each vacancy or promotion under merit competition procedures after 2 years following either the date of the selection of a candidate for the position or the conclusion of an Office of Personnel Management audit, whichever is sooner, in accordance with General Records Schedule 1, item 32.

SYSTEM MANAGER AND ADDRESS:

Chief, Administrative Services Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment or NTSB service; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Applicants for NTSB positions, NTSB employees, supervisors, officials with the NTSB Office of Administration and Human Resources Division, other Federal agencies, and management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

NTSB–30

SYSTEM NAME:

Employee Training Records.

SYSTEM LOCATION:

NTSB Training Center, 45065 Riverside Parkway, Ashburn, Virginia 20147.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current NTSB employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include employee's name and Social Security number, business and home address, and person to be notified in case of emergency. Records reflect career development plans, training courses that individuals seek to attend or have attended, and any related records concerning mentoring or career progression of employees. This system also includes employees' Individual Development Plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 *et seq.,* 2951, 3301, 4101–4121, 4302; 5 CFR part 293.

PURPOSE(S):

The NTSB maintains this system in order to create and maintain a list of training needs for developing future training initiatives, and to assess individuals' training in the interest of evaluating individuals' skill levels.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to educational institutions on appointment of a recent graduate to a position in the Federal service; and

2. Disclosure to officials of labor organizations under 5 U.S.C. chapter 71, when relevant and necessary to the organizations' duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders at the NTSB Training Center, at the address above. The NTSB may scan all paper records into a learning management system, which will function as the master database of all training activities and records.

RETRIEVABILITY:

The records are indexed by name, within major topic categories. Once the NTSB begins using the aforementioned new database, records will be retrievable by name, office, keyword, class title, and date of training class.

SAFEGUARDS:

Records are maintained in locked file cabinets that are further secured in locked rooms that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB maintains records within this system for the period of the employee's service at the NTSB. When an employee leaves the NTSB to begin employment at another Federal agency, the NTSB transfers these records to the employee's new Federal agency. When an employee retires, resigns, or dies, the NTSB forwards the employee's record to the National Personnel Records Center. The NTSB or National Personnel Records Center will destroy these records by shredding them once they are either obsolete or 5 years old, in accordance with General Records Schedule 1, item 29b.

SYSTEM MANAGER(S) AND ADDRESS:

NTSB Training Officer, 45065 Riverside Parkway, Ashburn, Virginia 20147.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Social Security number;
3. Dates of employment; and
4. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains information in this system from the individual to whom the record pertains and NTSB officials responsible for the individual's career development and training.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

NTSB–31

SYSTEM NAME:

Labor-Management Relations Records.

SYSTEM LOCATION:

National Transportation Safety Board, Human Resources Division, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former National Transportation Safety Board employees and union representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains files on grievances and arbitrations filed pursuant to grievance procedures negotiated in accordance with 5 U.S.C. 7121, including reports of interviews, correspondence with arbitrators, hearing transcripts, arbitration awards, exceptions (i.e., appeals) to the Federal Labor Relations Authority, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7101–7135.

PURPOSE(S):

The NTSB maintains this system of records in order to comply with 5 U.S.C. 7101–7135.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to labor organization officials to provide information defined under 5 U.S.C. chapter 71, when the information is relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions (but information covered by 5 U.S.C. 7114(b)(4)(c) need not be released to labor organizations);

2. Disclosure to other agencies or contractors for other agencies, when disclosure is necessary to locate individuals for personnel research or survey response and in producing summary descriptive statistics and analytical studies in support of the function for which the other organization seeks to collect the record, or for related workforce studies; the NTSB notes that, while published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference; and

3. Disclosure to the Merit System Protection Board in connection with appeals, special studies of the civil service and other merit systems, review of agency rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, as promulgated in 5 U.S.C. 1205 and 1206, and as specified in 5 U.S.C. 7503(c) and 7513(e), or as may be authorized by any other applicable statute.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NTSB maintains these records on paper in file folders within an automated file cabinet.

RETRIEVABILITY:

The NTSB indexes these records by name.

SAFEGUARDS:

The NTSB maintains paper records within this system in a locked file room that is restricted through electronic keycards to enter the room where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

The NTSB destroys these records 5 years after the final resolution of the case to which they apply, in accordance with General Records Schedule 1, item 28b.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Date of birth;
3. Social Security number;
4. Dates of employment; and
5. Signature.

RECORD ACCESS PROCEDURE:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURE:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The NTSB obtains the records in this system from NTSB employees and supervisors, NTSB Office of Administration, representatives of NTSB employees, arbitrators, the Federal Labor Relations Authority, the Federal Service Impasse Panel, and the Federal Mediation and Conciliation Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

To the extent that any records in this system consist of attorney work product or attorney-client communications, 5 U.S.C. 552a(d)(5) may apply to preclude access to any information compiled in reasonable anticipation of a civil action or proceeding.

NTSB–32

SYSTEM NAME:

Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records.

SYSTEM LOCATION:

National Transportation Safety Board, Office of General Counsel, 490 L'Enfant Plaza, SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTSB employees who have filed financial disclosure statements under the requirements of the Ethics in Government Act of 1978 (hereinafter ''Ethics Act''), as amended, or to whom the Ethics Act otherwise applies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information that is necessary for administration of all provisions of the Ethics Act and the Ethics Reform Act of 1989, as amended, and Executive Order 12,674, as modified. In particular, this system contains financial information, as well as information concerning: Gifts received, certain liabilities, former employment, and assets placed in trust pending disposal. The NTSB incorporates by reference the text of OGE/GOVT–1 into this Notice; as such, this Notice contains a summary of the information and provisions of OGE/GOVT–1 and descriptions of how NTSB–5 is consistent with OGE/GOVT–1, and identifies any differences between NTSB–32 and OGE/GOVT–1. OGE/GOVT–1 is available at 68 FR 3098 (Jan. 22, 2003), as updated at 68 FR 24744 (May 8, 2003).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I of the Ethics in Government Act of 1978, Public Law No. 95–521, 92 Stat. 1824 (codified as amended 5 U.S.C.

7301, 7351, 7353, and other scattered sections of 5 U.S.C.); 5 CFR part 2634; 31 U.S.C. 1353; Executive Order 12,674 (as modified by Executive Order 12,731).

PURPOSE(S):

The NTSB collects the records in this system in order to comply with the Ethics Act, and implementing Office of Government Ethics (OGE) regulations and applicable Executive Orders. The collection of these records is necessary to assure compliance with statutory and regulatory requirements, and to preserve and promote the integrity of public officials and institutions. These requirements also include the NTSB's Designated Agency Ethics Official (DAEO) possession or maintenance of information that the DAEO researches or prepares for referral to an Inspector General or the Department of Justice, concerning employees or former employees of the Federal Government who are the subject of complaints of misconduct or alleged violations of ethics statutes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

The NTSB notes that, when the Director or other authorized officials of OGE requests that the NTSB furnish OGE with records from this system, such disclosure will be in response to OGE's need for the records in the performance of their official duties under the Ethics Act, and other related statutes, regulations, and Executive Orders, pursuant to 5 U.S.C. 552a(b)(1). In addition to other disclosures permitted under subsection (b) of the Privacy Act, and described in Appendix A, below, the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine use:

1. Disclosure of information furnished by the reporting official, in accordance with provisions of section 105 of the Ethics Act, as amended, to any requesting person;

2. Disclosure, in accordance with section 105 of the Ethics Act, as amended, and subject to the limitations contained in 18 U.S.C. 208(d)(1), of any determination granting an exemption pursuant to section 208(d)(1) or 18 U.S.C. 208(b)(3), to any requesting person;

3. Disclosure of information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination;

4. Disclosure of public financial disclosure reports and any accompanying documents to reviewing officials in a new office, department, or agency when an employee transfers or is detailed from a covered position in one office, department, or agency to a covered position in another office, department, or agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

The NTSB maintains these records on paper in file folders.

RETRIEVABILITY:

Records in this system are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file cabinets that are restricted through electronic keycards to enter the facility where records are located. Access to and use of these records is limited to those persons whose official duties require such access, and the Facility Security Access Control System (NTSB–24) logs the date and time that each electronic keycard was used to enter the location. This system conforms to all applicable Federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; and corresponding regulations implementing these statutes.

RETENTION AND DISPOSAL:

In accordance with General Records Schedule 25, the NTSB retains these records for a period of six years after filing, or for such other period of time as set forth in Schedule 25 for certain types of ethics records. The NTSB may retain records needed in an ongoing investigation for a period that exceeds six years, until the investigation no longer requires such records. At the expiration of the retention period, the NTSB destroys these records by shredding them.

SYSTEM MANAGER(S) AND ADDRESS:

Designated Agency Ethics Official, National Transportation Safety Board, 490 East L'Enfant Plaza, SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Designated Agency Ethics Official at the following address: National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, at 5 CFR part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s);
2. Dates of employment; and
3. Signature.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Current and former NTSB employees, or designated persons on behalf of such employees, such as trustees, attorneys, accountants, bankers, or relatives; Federal officials who review the records to make conflict-of-interest determinations; persons alleging conflicts of interest or violations of other ethics laws, and persons contacted during any investigation of the allegations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix A: General Routine Uses Applicable to All Systems of Records

The NTSB may make the following disclosures of information from the above-listed systems of records.

A. Disclosure for Law Enforcement Purposes

When information indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.

B. Disclosure Incident to Requesting Information

Information may be disclosed to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the

purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to an agency decision concerning retention of an employee or other personnel action (other than hiring), retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

C. Disclosure to Requesting Agency

Disclosure may be made to a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

D. Disclosure to Congressional Offices

Information may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the written request of the individual about whom the record is maintained. The NTSB will not make such a disclosure until the congressional office has furnished appropriate documentation of the individual's request, such as a copy of the individual's written request.

E. Disclosure to Department of Justice

Information may be disclosed to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the NTSB is authorized to appear, when:

1. The NTSB, or any component thereof; or
2. Any employee of the NTSB in his or her official capacity; or
3. Any employee of the NTSB in his or her individual capacity where the Department of Justice or the NTSB has agreed to represent the employee; or
4. The United States is a party to litigation or has an interest in such litigation, and the NTSB determines that the records are both relevant and necessary to the litigation and the use of such records is deemed by the NTSB to be for a purpose that is compatible with the purpose for which the records were collected.

F. Disclosure to the National Archives and General Services Administration

Information may be disclosed to the National Archives and Records Administration or General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

G. Disclosure to Contractors, Grantees, Etc.

Information may be disclosed to agency contractors, grantees, consultants, or volunteers who have been engaged to assist the agency in the performance of a contract, service, grant, cooperative agreement, job, or other activity for the NTSB related to this system of records and who need to have access to the records in order to perform the activity for the NTSB. This includes Federal agencies providing payroll, management, or administrative services to the NTSB. When appropriate, recipients shall be required to comply with the requirements of the Privacy Act of 1974 as provided at 5 U.S.C. 552a(m).

H. Disclosures for Administrative Claims, Complaints and Appeals

Information from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee or former employee, but only to the extent that the information is relevant and necessary to the proceeding. Agencies that may obtain information under this routine use include, but are not limited to, the Office of Personnel Management, Office of Special Counsel, Merit Systems Protection Board, Federal Labor Relations Authority, Equal Employment Opportunity Commission, and Office of Government Ethics.

I. Disclosure to the Office of Personnel Management

Information from this system of records may be disclosed to the Office of Personnel Management pursuant to that agency's responsibility for evaluation and oversight of Federal personnel management.

J. Disclosure in Connection With Litigation

Information from this system of records may be disclosed in connection with litigation or settlement discussions regarding claims by or against the NTSB, including public filing with a court, to the extent that disclosure of the information is relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, codified at 5 U.S.C. 552a(b)(11).

K. Disclosure to Persons or Entities in Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information

The NTSB may disclose information from any of the above-listed system of records to the appropriate agencies, entities, and/or persons when: (a) The NTSB suspects or has confirmed that the security or confidentiality of personally identifiable information in the system of records has been compromised; (b) the NTSB has determined that, as a result of the suspected or confirmed compromise, a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system exists; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the NTSB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Appendix B: General Routine Uses Applicable to All Systems of Records

As described in the above notices, some NTSB records may be located in the Government-wide systems of records listed below:

1. EEOC/GOVT–1 Equal Employment Opportunity in the Federal Government Complaint and Appeal Records.
2. DOL/GOVT–1 Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.
3. GSA/GOVT–3 Travel Charge Card Program.
4. MSPB/GOVT–1 Appeals and Case Records.
5. OGE/GOVT–1 Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records.
6. OGE/GOVT–2 Executive Branch Confidential Financial Disclosure Reports.
7. OPM/GOVT–1 General Personnel Records.
8. OPM/GOVT–2 Employee Performance File System Records.
9. OPM/GOVT–3 Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers.
10. OPM/GOVT–10 Employee Medical File System Records.

Dated: June 4, 2008.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. E8–12873 Filed 6–11–08; 8:45 am]

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Federal Register

Thursday,
June 12, 2008

Part III

Department of Housing and Urban Development

Proposed Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program—Fiscal Year 2009; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5223–N–01]

Proposed Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program Fiscal Year 2009

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Proposed Fiscal Year (FY) 2009 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish FMRs periodically, but not less than annually, adjusted to be effective on October 1 of each year. Today's notice proposes FMRs for FY 2009 to be used: To determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, and to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program. Other programs may require use of FMRs for other purposes.

The proposed FY 2009 FMR areas are based on current Office of Management and Budget (OMB) metropolitan area definitions and include HUD modifications that were first used in the determination of FY 2006 FMR areas. OMB changes to the metropolitan area definitions through November 2007 are incorporated. This means that there are six Metropolitan Statistical Area (MSA) name changes that reorder, add, or delete a primary city name.[1] Proposed FY 2009 FMRs are based on 2000 Census data updated with more current survey data. For FY 2009, FY 2008 FMRs are updated using 2006 American Community Survey (ACS) data, Random Digit Dialing (RDD) telephone rent surveys conducted since the release of the final FY 2008 FMRs, and more recent Consumer Price Index (CPI) rent and utility indexes. HUD continues to use ACS data in different ways according to how many two-bedroom standard-quality and recent-mover sample cases are available in the FMR area or its Core-Based Statistical Area (CBSA). Revised 2006 FMRs based on Census and ACS data have been updated with CPI data through the end of 2007 and then trended to April 2009, the mid-point of FY 2009.

This notice also provides revised FY 2008 FMRs for 10 areas based on RDD surveys conducted in early 2008. These areas are small metropolitan or nonmetropolitan areas from the oil- and gas-producing regions of Colorado, Texas, Utah, and Wyoming that have experienced increased pressure on their rental housing market over the past 2 years or more.

DATES: *Comment Due Date:* August 1, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding HUD's estimates of the FMRs, as published in this notice, to the Office of General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0001. Communications should refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' section.

Submission of Hard Copy Comments. To ensure that the information is fully considered by all of the reviewers, each commenter that is submitting hard copy comments, by mail or hand delivery, is requested to submit two copies of its comments to the address above, one addressed to the attention of the Rules Docket Clerk and the other addressed to the attention of Economic and Market Analysis Division staff in the appropriate HUD field office. Due to security measures at all federal agencies, submission of comments by mail often result in delayed delivery. To ensure timely receipt of comments, HUD recommends that any comments submitted by mail be submitted at least 2 weeks in advance of the public comment deadline.

Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Comments. All comments and communications submitted to HUD will be available, without charge, for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at 1–800–245–2691 or access the information on the HUD Web site *http://www.huduser.org/datasets/fmr.html.* FMRs are listed at the 40th or 50th percentile in Schedule B. For informational purposes, 40th percentile recent-mover rents for the areas with 50th percentile FMRs will be provided in the HUD FY 2009 FMR documentation system at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09.*

Questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys or concerning further methodological explanations may be addressed to Marie L. Lihn or Lynn A. Rodgers, Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research, telephone 202–708–0590. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. (Other than the HUD USER information line and TDD numbers, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid lower-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher program, the FMR is the basis for determining the ''payment standard amount'' used to calculate the maximum monthly subsidy for an

[1] The change from Sarasota-Bradenton-Venice, FL MSA to Bradenton-Sarasota-Venice, FL MSA includes a change in the primary city name and a change in the metropolitan code, from 42260 to 14600.

assisted family (see 24 CFR 982.503). In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (nonluxury) nature with suitable amenities. In addition, all rents subsidized under the Housing Choice Voucher program must meet reasonable rent standards. The interim rule published on October 2, 2000 (65 FR 58870), established 50th percentile FMRs for certain areas.

Electronic Data Availability: This **Federal Register** notice is available electronically from the HUD News page at *http://www.hudclips.org.* **Federal Register** notices also are available electronically from *http://www.gpoaccess.gov/fr/index.html,* the U.S. Government Printing Office Web site. Complete documentation of the methodology and data used to compute each area's proposed FY 2009 FMRs is available at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09.*

II. Procedures for the Development of FMRs

Section 8(c) of the USHA requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. Section 8(c) states, in part, as follows:

> Proposed fair market rentals for an area shall be published in the **Federal Register** with reasonable time for public comment and shall become effective upon the date of publication in final form in the **Federal Register**. Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in this section.

HUD's regulations at 24 CFR 888 provide that HUD will develop proposed FMRs, publish them for public comment, provide a public comment period of at least 30 days, analyze the comments, and publish final FMRs. (See 24 CFR 888.115.)

In addition, HUD's regulations at 24 CFR 888.113 set out procedures for HUD to assess whether areas are eligible for FMRs at the 50th percentile. No new areas became eligible for 50th percentile rents. HUD reviewed 24 50th-percentile FMR areas for these proposed FY 2009 FMRs. The 24 areas are listed in the table below. As shown in the table, HMFA is an acronym for HUD Metro FMR Area, which is an MSA subarea, or the remaining portions of an MSA after subareas have been determined.

FY 2008 50TH-PERCENTILE FMR AREAS REVIEWED FOR ELIGIBILITY AS FY 2009 50TH-PERCENTILE FMR AREAS

Albuquerque, NM MSA	Austin-Round Rock, TX MSA.
Baltimore-Towson, MD MSA	Bradenton-Sarasota-Venice, FL MSA.
Chicago-Naperville-Joliet, IL HMFA	Denver-Aurora, CO MSA.
Fort Worth-Arlington, TX HMFA	Grand Rapids-Wyoming, MI HMFA.
Hartford-West Hartford-East Hartford, CT HMFA	Honolulu, HI MSA.
Houston-Baytown-Sugar Land, TX HMFA	Kansas City, MO-KS, HMFA.
Las Vegas-Paradise, NV MSA	Milwaukee-Waukesha-West Allis, WI MSA.
New Haven-Meriden, CT HMFA	Orange County, CA HMFA.
Phoenix-Mesa-Scottsdale, AZ MSA	Providence-Fall River, RI-MA HMFA.
Richmond, VA HMFA	Riverside-San Bernardino-Ontario, CA MSA.
Tacoma, WA HMFA	Tucson, AZ MSA.
Virginia Beach-Norfolk-Newport News, VA-NC MSA	Washington-Arlington-Alexandria, DC-VA-MD HMFA.

Fourteen of the 24 current 50th-percentile areas eligible for review fail to qualify for the 50th-percentile FMR program for FY 2009. Two of these areas, as shown below, no longer qualify for the 50th-percentile FMR program because, based on current tenant data, less than 25 percent of the tenant-based rental program participants reside in the 5 percent of census tracts in the metropolitan areas with the largest number of program participants. These areas can be reviewed annually to see if this concentration changes and may be reinstated as 50th-percentile areas as early as the FY 2010 FMRs.

FY 2008 50TH-PERCENTILE FMR AREAS NOT ELIGIBLE FOR FY 2009 50TH-PERCENTILE FMRS BECAUSE VOUCHER TENANT CONCENTRATIONS HAVE FALLEN BELOW THE ELIGIBILITY THRESHOLD

Grand Rapids-Wyoming, MI HMFA	Providence-Fall River, RI-MA HMFA.

Three additional areas did not meet the minimum reporting criteria of 85 percent of resident records. These areas are denied eligibility until their reporting rate increases to 85 percent. Areas with reporting rate deficiencies can be reviewed annually, so these areas may be eligible for reinstatement of 50th-percentile FMRs in FY 2010. These areas are listed below:

FY 2008 50TH-PERCENTILE FMR AREAS NOT ELIGIBLE FOR FY 2009 50TH-PERCENTILE FMRS BECAUSE FMR AREA VOUCHER REPORTING RATES ARE TOO LOW

Baltimore-Towson, MD MSA Washington-Arlington-Alexandria, DC-VA-MD HMFA	New Haven-Meriden, CT HMFA.

The table below shows nine areas that failed to deconcentrate over the 3-year period. Deconcentration of tenants is the primary objective of the 50th-percentile program and failure to make any progress to deconcentrate tenants over a 3-year period disqualifies an otherwise eligible area for 3 years. These areas are not eligible for reevaluation until FY 2012.

FY 2008 50TH-PERCENTILE FMR AREAS NOT ELIGIBLE FOR FY 2009 50TH-PERCENTILE FMRS FOR FAILURE TO DECONCENTRATE VOUCHER TENANTS

Austin-Round Rock, TX MSA	Fort Worth-Arlington, TX HMFA.
Honolulu, HI MSA	Las Vegas-Paradise, NV MSA.
Orange County, CA HMFA	Phoenix-Mesa-Scottsdale, AZ MSA.
Riverside-San Bernardino-Ontario, CA MSA	Tucson, AZ MSA.
Virginia Beach-Norfolk-Newport News, VA-NC MSA	

Ten of the 24 areas reviewed will stay in the 50th-percentile FMR program. The ten areas will not be re-evaluated until FY 2012.

FY 2008 50TH-PERCENTILE FMR AREAS EVALUATED AND CONTINUING WITH 50TH-PERCENTILE FMRS IN FY 2009

Albuquerque, NM MSA	Bradenton-Sarasota-Venice, FL MSA.
Chicago-Naperville-Joliet, IL HMFA	Denver-Aurora, CO MSA.
Hartford-West Hartford-East Hartford, CT HMFA	Houston-Baytown-Sugar Land, TX HMFA.
Kansas City, MO-KS HMFA	Milwaukee-Waukesha-West Allis, WI MSA.
Richmond, VA HMFA	Tacoma, WA HMFA.

Four current 50th-percentile FMR areas were not evaluated this year because they have not completed 3 years of program participation. These four areas, listed below, will be evaluated for the FY 2010 FMRs:

FY 2008 50TH-PERCENTILE FMR AREAS NOT SLATED FOR ELIGIBILITY EVALUATION AND CONTINUING WITH 50TH-PERCENTILE FMRS IN FY 2009

Dallas, TX HMFA	Fort Lauderdale, FL HMFA.
San Diego-Carlsbad-San Marcos, CA MSA	West Palm Beach-Boca Raton, FL HMFA.

III. FMR Methodology

This section provides a brief overview of how the FY 2009 FMRs are computed. For complete information on how FMR areas are determined, and on how each area's FMRs are derived, see the online documentation at: *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09*.

The FY 2009 FMRs are based on current OMB metropolitan area definitions that were first used in the FY 2006 FMRs. OMB changes to the metropolitan area definitions through November 2007 are incorporated. This means there are six MSA name changes that reorder, add, or delete a primary city name. The area definitions based on 2000 Census data have the advantages of providing more relevant commuting interchange standards, and more current measures of housing market relationships than those based on 1990 Census data and used prior to the FY 2006 FMRs.

A. Data Sources—2000 Census and American Community Survey

FY 2009 FMRs are based on changes in rents measured by differences in ACS data collected in 2005 and 2006 and updated with CPI data. For FY 2008 FMRs, HUD developed 2005 rent estimates based on updating 2000 Census gross rent data with more current survey data from the Census Bureau's 2005 ACS. The first full year of implementation for the ACS was 2005, and these data were available to use in the FY 2008 FMRs. FY 2009 FMRs use data from the 2006 ACS to update these 2005 rent estimates. While the Census Bureau intends for the ACS to replace the Decennial Census sample ''long form'' for collecting detailed socioeconomic data, the ACS has several important distinctions from the decennial long form. These include:

- The ACS is conducted on a continuous ''rolling'' basis throughout the year, so survey responses do not correspond to a particular date, whereas the long form responses were as of the Census date of April 1. This has implications for the ''as-of'' date assumed for ACS-based rents. The ''as-of'' date for ACS-based rents is set at June 30 of the ACS year.
- The ACS has an initial sample size (before nonresponse attrition) of about one-fifth that of the decennial long form, which surveyed approximately one out of every six households. This means that an adequate sample size for one-year ACS data will be available only for very large population geographic areas, and that data for smaller areas will be accumulated over 3 or 5 years to form the basis of decennial long-form-equivalent estimates.

As detailed in the notices announcing the proposed and final FY 2008 FMRs, HUD replaced the accumulated 2001 through 2005 FMR update factors from various sources with 2005 ACS data. The preamble for the final FY 2008 FMR Notice (72 FR 55940) provides a description of how the 2005 ACS data, and in some cases RDDs conducted in 2001 through 2005, were used in the FY 2008 FMRs. Further details regarding the calculation of FY 2008 FMRs are available using HUD's online Final FY 2008 Documentation System, available at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr08*.

B. Updates From 2005 to 2006

State or local 2006 ACS data are used to update a June-2005-calculated gross rent from the FY 2008 FMRs to June 2006. The same categories of use, depending upon the sizes of the available rental unit samples in the FMR areas, were applied to the 2006 ACS data as had been applied to the 2005 data. There are two exceptions to the similarity of processing 2005 ACS data and 2006 ACS data. First, the update factor reflecting changes in rents for the parts of the state not included in FMR areas covered by local ACS data was discontinued for two reasons: (1) The variance in rent change between 2005 and 2006 for these areas was much larger than that for full states and it was not clear whether these changes reflected differences in markets or area

composition, or if they reflected survey anomalies; and (2) basing an underlying geography on factors that change annually (such as the identity of FMR areas covered by local ACS data) and which cannot be determined until the survey data have been processed presents a complexity that could not be resolved in a manner that allowed for timely delivery of data. Consequently, for FY 2009, all state-based update factors are calculated for the entire state.

Second, HUD-defined ''HMFAs'' in metropolitan areas (CBSAs) where no subarea uses the CBSA gross rent as the basis of its FMR, are no longer tested to determine which update factor, the state or the CBSA, brings the subarea closer to the CBSA. The state update factor is now used for these cases. This change was made because review of the data and discussions with field economists indicated that forcing these subareas toward CBSA-area values was the opposite of market trends for some subareas.

C. Updates From 2006 to 2007

The 2006 ACS data brought the 2005 data used in the FY 2008 FMRs forward by 12 months to June 2006. The CPI is used to update the June 2006 FMRs to the end of 2007. Local CPI data are used for FMR areas with at least 75 percent of their population within Class A metropolitan areas covered by local CPI data. Census region CPI data are used for FMR areas in Class B and C size metropolitan areas and nonmetropolitan areas without local CPI update factors.

D. Updates From 2007 to 2009

The national 1990 to 2000 average annual rent increase trend of 1.03 is applied to end-of-2007 rents for 1.25 years, to derive the proposed FY 2009 FMRs.

E. Additional Rent Surveys and Other Data

In early 2008, surveys were conducted in several areas of Wyoming, Colorado, Utah, and Texas where, as a result of increased oil and gas drilling activity, housing agencies have experienced significant rental housing market pressure. Most of these areas have experienced problems managing the voucher program over the past couple of years. These surveys show that rents in these areas are higher than previously estimated. All of these surveys met HUD standards for statistical significance (i.e., the survey result trended to April 2008 was statistically different from the April 2008 FY 2008 FMRs at a 95 percent level of confidence). Effective upon publication of this notice, and through September 30, 2008, FMRs for these areas are listed below.

REVISED FY 2008 FMRS BASED ON RDD RESULTS

	0 BR	1 BR	2 BR	3 BR	4 BR
Casper, WY	$448	$490	$619	$901	$1,085
Duchesne County, UT	620	673	747	964	1,312
Garfield County, CO	832	947	1,050	1,296	1,335
Grand Junction, CO	544	546	655	954	1,153
Midland, TX MSA	541	585	770	1,122	1,329
Moffat County, CO	499	545	684	897	1,201
Odessa, TX MSA	492	521	683	984	1,143
Sweetwater County, WY	446	542	680	951	987
Uinta County, WY	463	585	666	909	1079
Uintah County, UT	534	580	643	845	950

The FMR bonuses related to the impact of Hurricane Katrina for Baton Rouge, LA, and New Orleans, LA, first applied March 6, 2006, continue to be applied in the proposed FY 2009 FMRs, though the bonuses have been reduced as ACS data have started to capture the market rent increases for these areas. Continuing research shows that rental market conditions in both areas remain tight, and that FMRs should not be reduced. Similarly, and in accordance with the revised FY 2008 FMRs for Gulfport-Biloxi, MS MSA and Pascagoula, MS MSA (73 FR 6197), bonuses will continue in these Mississippi areas in the FY 2009 FMRs, although, as in the Louisiana areas, the bonus amounts are reduced.

The area-specific data and computations used to calculate proposed FY 2009 FMRs and FMR area definitions can be found at *http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr09*.

F. Bedroom Rent Adjustments

FMR estimates are calculated for two-bedroom units. This is generally the most common size of rental units and, therefore, the most reliable to survey and analyze. After each Decennial Census, rent relationships between two-bedroom units and other unit sizes are calculated and used to set FMRs for other units. This is done because it is much easier to update two-bedroom estimates and to use pre-established cost relationships with other bedroom sizes than it is to develop independent FMR estimates for each bedroom size. This was last done using 2000 Census data. A publicly releasable version of the data file used for the derivations of rent ratios is available at *http://www.huduser.org/datasets/fmr/CensusRentData/index.html*.

Adjustments were made using 2000 Census data to establish rent ratios for areas with local bedroom-size intervals above or below what are considered reasonable ranges or where sample sizes are inadequate to accurately measure bedroom rent differentials. Experience has shown that highly unusual bedroom ratios typically reflect inadequate sample sizes or peculiar local circumstances that HUD would not want to utilize in setting FMRs (e.g., luxury efficiency apartments that rent for more than typical one-bedroom units). Bedroom interval ranges were established based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations. The ranges used were: efficiency units are constrained to fall between 0.65 and 0.83 of the two-bedroom FMR; one-bedroom units must be between 0.76 and 0.90 of the two-bedroom unit; three-bedroom units must be between 1.10 and 1.34 of the two-bedroom unit; and four-bedroom units must be between 1.14 and 1.63 of the two-bedroom unit. Bedroom rents for a given FMR area were then adjusted if the differentials between bedroom-size FMRs were inconsistent with normally observed patterns (i.e., efficiency rents were not allowed to be higher than one-bedroom rents and four-bedroom rents were not allowed to be lower than three-bedroom rents).

The rents for three-bedroom and larger units are further adjusted to continue to reflect HUD's policy to set

higher rents for these units than would result from using unadjusted market rents. This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds bonuses of 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates. The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero-bedroom (efficiency) FMR.

For low-population, nonmetropolitan counties with small 2000 Census samples of recent-mover rents, Census-defined county group data were used to determine rents for each bedroom size. This adjustment was made to protect against unrealistically high or low FMRs due to insufficient sample sizes. The areas covered by this new estimation method had less than the HUD standard of 200 two-bedroom, Census-tabulated observations.

IV. Manufactured Home Space Surveys

The FMR used to establish payment standard amounts for the rental of manufactured home spaces in the Housing Choice Voucher program is 40 percent of the FMR for a two-bedroom unit. HUD will consider modification of the manufactured home space FMRs where public comments present statistically valid survey data showing the 40th-percentile manufactured home space rent (including the cost of utilities) for the entire FMR area.

All approved exceptions to these rents that were in effect in FY 2008 were updated to FY 2009 using the same data used to estimate the Housing Choice Voucher program FMRs if the respective FMR area's definition had remained the same. If the result of this computation was higher than 40 percent of the re-benchmarked two-bedroom rent, the exception remains and is listed in Schedule D. The FMR area definitions used for the rental of manufactured home spaces are the same as the area definitions used for the other FMRs. Areas with definitional changes that previously had exception manufactured housing space rental FMRs are requested to submit new surveys to justify higher-than-standard space rental FMRs if they believe higher-space rental allowances are needed.

V. Request for Public Comments

HUD seeks public comments on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the rental housing survey methodology used) to justify any proposed changes. Changes may be proposed in all or any one or more of the unit-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

For the supporting data, HUD recommends the use of professionally conducted RDD telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of approximately $35,000. Areas with 2,000 or more program units usually meet this cost criterion, and areas with fewer units may meet it if actual rents for two-bedroom units are significantly different from the FMRs proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, non-metropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of $5,000 or less.

PHAs in nonmetropolitan areas may, in certain circumstances, conduct surveys of groups of counties. HUD must approve all county-grouped surveys in advance. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that counties where FMRs are based on the combined rents in the cluster of FMR areas will not have their FMRs revised unless the grouped survey results show a revised FMR above the combined rent level.

PHAs that plan to use the RDD survey technique should obtain a copy of the appropriate survey guide. Larger PHAs should request HUD's survey guide entitled ''Random Digit Dialing Surveys: A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments.'' Smaller PHAs should obtain the guide entitled ''Rental Housing Surveys: A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments.'' These guides are available from HUD USER at 800–245–2691, or from HUD's Web site, in Microsoft Word or Adobe Acrobat format, at the following address: *http://www.huduser.org/datasets/fmr.html*.

Other survey methodologies are acceptable in providing data to support comments, if the survey methodology can provide statistically reliable, unbiased estimates of the gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The Decennial Census should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock.

Most surveys cover only one- and two-bedroom units, which has statistical advantages. If the survey is statistically acceptable, HUD will estimate FMRs for other bedroom sizes using ratios based on the Decennial Census. A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements.

HUD will consider increasing manufactured home space FMRs where public comment demonstrates that 40 percent of the two-bedroom FMR is not adequate. In order to be accepted as a basis for revising the manufactured home space FMRs, comments must include a pad rental survey of the mobile home parks in the area, identify the utilities included in each park's rental fee, and provide a copy of the applicable public housing authority's utility schedule.

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR part 888, are proposed to be amended as shown in the Appendix to this notice:

Dated: June 3, 2008.

Darlene F. Williams,

Assistant Secretary for Policy Development and Research.

Fair Market Rents for the Housing Choice Voucher Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. *Metropolitan Areas*—FMRs are market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental-housing units are in direct competition. HUD is using

the metropolitan CBSAs, which are made up of one or more counties, as defined by the Office of Management and Budget (OMB), with some modifications. HUD is generally assigning separate FMRs to the component counties of CBSA Micropolitan Areas.

b. *Modifications to OMB Definitions*—Following OMB guidance, the estimation procedure for the FY 2008 proposed FMRs incorporates the current OMB definitions of metropolitan areas based on the CBSA standards as implemented with 2000 Census data, but makes adjustments to the definitions to separate subparts of these areas where FMRs or median incomes would otherwise change significantly if the new area definitions were used without modification. In CBSAs where subareas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may become so in the future as the social and economic integration of the CBSA component areas increases. Modifications to metropolitan CBSA definitions are made according to a formula as described below.

Metropolitan area CBSAs (referred to as MSAs) may be modified to allow for subarea FMRs within MSAs based on the boundaries of old FMR areas (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY 2005 FMRs. Collectively they include 1999-definition MSAs/Primary Metropolitan Statistical Areas (PMSAs), metro counties deleted from 1999-definition MSAs/PMSAs by HUD for FMR purposes, and counties and county parts outside of 1999-definition MSAs/PMSAs referred to as nonmetropolitan counties.) Subareas of MSAs are assigned their own FMRs when the subarea 2000 Census Base Rent differs by at least 5 percent from (i.e., is at most 95 percent or at least 105 percent of) the MSA 2000 Census Base Rent, or when the 2000 Census Median Family Income for the subarea differs by at least 5 percent from the MSA 2000 Census Median Family Income. MSA subareas, and the remaining portions of MSAs after subareas have been determined, are referred to as HMFAs to distinguish these areas from OMB's official definition of MSAs.

The specific counties and New England towns and cities within each state in MSAs and HMFAs are listed in Schedule B.

2. Bedroom Size Adjustments

Schedule B shows the FMRs for zero-bedroom through four-bedroom units. The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the zero-bedroom FMR.

3. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each state. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by state.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts.

All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. Two nonmetropolitan counties are listed alphabetically on each line of the non-metropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan county are listed immediately following the county name.

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SCHEDULE B FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 1

ALABAMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston-Oxford, AL MSA	410	452	562	742	873	Calhoun
Auburn-Opelika, AL MSA	404	481	620	816	838	Lee
Birmingham-Hoover, AL HMFA	563	626	698	886	912	Bibb, Blount, Jefferson, St. Clair, Shelby
Chilton County, AL HMFA	377	521	580	728	835	Chilton
Columbus, GA-AL MSA	531	559	640	851	1007	Russell
Decatur, AL MSA	448	503	579	757	786	Lawrence, Morgan
Dothan, AL HMFA	398	469	531	679	776	Geneva, Houston
Florence-Muscle Shoals, AL MSA	471	473	574	732	907	Colbert, Lauderdale
Gadsden, AL MSA	371	469	570	730	754	Etowah
Henry County, AL HMFA	336	463	514	614	633	Henry
Huntsville, AL MSA	496	540	638	873	959	Limestone, Madison
Mobile, AL MSA	556	595	671	879	1037	Mobile
Montgomery, AL MSA	530	627	706	936	1236	Autauga, Elmore, Lowndes, Montgomery
Tuscaloosa, AL MSA	464	536	694	892	920	Greene, Hale, Tuscaloosa
Walker County, AL HMFA	471	472	566	707	772	Walker

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baldwin	512	616	733	972	1113
Bullock	381	431	528	633	681
Chambers	427	463	514	697	719
Choctaw	426	450	514	652	871
Clay	428	429	514	635	791
Coffee	410	468	530	725	930
Coosa	417	462	514	696	782
Crenshaw	381	431	528	633	681
Dale	397	458	514	742	900
DeKalb	383	408	514	684	703
Fayette	337	391	514	749	905
Jackson	427	463	514	655	903
Macon	382	411	530	707	730
Marion	334	390	514	653	903
Monroe	427	463	514	711	786
Pickens	344	427	514	686	901
Randolph	428	429	514	635	791
Talladega	436	437	523	706	922
Washington	426	450	514	652	871
Winston	343	391	514	615	633

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barbour	430	431	518	641	660
Butler	381	431	528	633	681
Cherokee	446	447	538	641	661
Clarke	334	462	514	615	904
Cleburne	432	434	520	637	793
Conecuh	426	450	514	652	871
Covington	428	429	514	701	723
Cullman	446	459	538	724	744
Dallas	341	473	525	662	710
Escambia	427	433	514	641	788
Franklin	335	433	514	693	903
Lamar	344	427	514	686	901
Marengo	427	453	514	666	684
Marshall	454	487	549	741	816
Perry	427	453	514	666	684
Pike	410	441	514	660	681
Sumter	344	439	514	686	901
Tallapoosa	412	422	517	729	846
Wilcox	426	450	514	652	871

ALASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK HMFA	694	789	990	1426	1736	Anchorage
Fairbanks, AK MSA	622	748	957	1386	1463	Fairbanks North Star
Matanuska-Susitna Borough, AK HMFA	629	733	935	1330	1615	Matanuska-Susitna

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 2

ALASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutians East	777	884	1120	1384	1427	Aleutians West	777	884	1120	1384	1427
Bethel	890	1114	1352	1617	2374	Bristol Bay	777	884	1120	1384	1427
Denali	654	807	1008	1415	1594	Dillingham	777	884	1120	1384	1427
Haines	654	807	1008	1415	1594	Juneau	793	971	1222	1651	2058
Kenai Peninsula	586	670	815	1117	1431	Ketchikan Gateway	699	892	1072	1562	1882
Kodiak Island	749	877	1154	1658	1755	Lake and Peninsula	777	884	1120	1384	1427
Nome	779	1001	1149	1387	1428	North Slope	802	938	1232	1473	1517
Northwest Arctic	777	884	1120	1384	1427	Prince of Wales-Outer Ketchikan	777	884	1120	1384	1427
Sitka	744	858	1024	1492	1797	Skagway-Hoonah-Angoon	777	884	1120	1384	1427
Southeast Fairbanks	654	807	1008	1415	1594	Valdez-Cordova	654	807	1008	1415	1594
Wade Hampton	777	884	1120	1384	1427	Wrangell-Petersburg	777	884	1120	1384	1427
Yakutat	777	884	1120	1384	1427	Yukon-Koyukuk	777	884	1120	1384	1427

ARIZONA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ MSA	777	924	1044	1343	1693	Coconino
Lake Havasu City-Kingman, AZ MSA	582	640	746	1032	1151	Mohave
Phoenix Mesa Scottsdale, AZ MSA	624	727	877	1277	1495	Maricopa, Pinal
Prescott, AZ MSA	647	668	844	1230	1267	Yavapai
Tucson, AZ MSA	493	579	743	1070	1131	Pima
Yuma, AZ MSA	544	642	767	1088	1333	Yuma

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Apache	410	502	593	822	1042	Cochise	481	557	699	965	1186
Gila	525	615	809	1111	1144	Graham	545	587	657	908	1045
Greenlee	498	554	695	955	1081	La Paz	559	560	672	951	979
Navajo	489	522	689	928	1100	Santa Cruz	574	575	729	1063	1094

ARKANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR HMFA	494	521	651	948	975	Benton, Madison, Washington
Fort Smith, AR-OK HMFA	392	445	554	738	804	Crawford, Sebastian
Franklin County, AR HMFA	333	436	512	649	792	Franklin
Grant County, AR HMFA	431	444	542	785	809	Grant
Hot Springs, AR MSA	400	496	617	770	794	Garland
Jonesboro, AR HMFA	467	486	561	789	813	Craighead
Little Rock-North Little Rock-Conway, AR HMFA	537	610	680	911	940	Faulkner, Lonoke, Perry, Pulaski, Saline
Memphis, TN-MS-AR HMFA	618	671	746	994	1025	Crittenden
Pine Bluff, AR MSA	396	469	588	706	837	Cleveland, Jefferson, Lincoln
Poinsett County, AR HMFA	333	431	512	681	816	Poinsett
Texarkana, TX-Texarkana, AR MSA	492	497	612	747	812	Miller

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 3

ARKANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Arkansas	391	412	512	743	764
Baxter	392	456	551	741	934
Bradley	381	387	512	635	673
Carroll	449	450	540	681	948
Clark	408	413	532	686	706
Cleburne	463	465	557	764	980
Conway	425	438	512	705	767
Dallas	331	460	512	652	830
Drew	366	470	565	710	990
Greene	332	462	512	749	771
Hot Spring	426	428	512	671	692
Independence	356	424	512	662	719
Jackson	345	452	512	722	745
Lafayette	404	462	531	635	759
Lee	364	411	512	682	793
Logan	333	430	512	732	819
Mississippi	361	403	527	695	838
Montgomery	397	461	581	730	752
Newton	427	428	514	664	745
Phillips	424	428	512	667	688
Polk	425	461	512	666	809
Prairie	426	427	512	642	662
St. Francis	434	450	525	741	920
Searcy	427	428	514	664	745
Sharp	426	427	512	652	674
Union	437	460	526	682	885
White	439	440	529	718	739
Yell	423	446	512	702	724

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashley	398	412	541	648	713
Boone	432	433	521	667	749
Calhoun	331	460	512	652	830
Chicot	381	387	512	635	673
Clay	412	415	512	656	698
Columbia	336	432	517	634	726
Cross	427	429	515	751	820
Desha	381	387	512	651	673
Fulton	408	409	512	673	751
Hempstead	401	449	525	629	722
Howard	391	454	512	659	681
Izard	408	409	512	673	751
Johnson	332	456	512	682	816
Lawrence	334	409	512	630	833
Little River	404	462	531	648	759
Marion	425	426	512	674	742
Monroe	426	427	512	642	662
Nevada	404	462	531	635	759
Ouachita	331	461	512	705	826
Pike	404	462	531	635	759
Pope	384	412	534	752	774
Randolph	333	416	512	612	898
Scott	425	427	512	708	898
Sevier	427	441	512	708	820
Stone	408	409	512	673	751
Van Buren	333	389	512	634	818
Woodruff	426	427	512	642	662

CALIFORNIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	573	618	736	1064	1275	Kern
Chico, CA MSA	576	685	826	1165	1390	Butte
El Centro, CA MSA	588	665	820	1128	1437	Imperial
Fresno, CA MSA	647	713	842	1225	1319	Fresno
Hanford-Corcoran, CA MSA	620	660	766	1117	1346	Kings
Los Angeles-Long Beach, CA HMFA	904	1090	1361	1828	2199	Los Angeles
Madera, CA MSA	623	654	834	1213	1250	Madera
Merced, CA MSA	559	637	774	1104	1289	Merced
Modesto, CA MSA	664	734	864	1239	1431	Stanislaus
Napa, CA MSA	890	997	1295	1791	2034	Napa
Oakland-Fremont, CA HMFA	905	1093	1295	1756	2174	Alameda, Contra Costa
Orange County, CA HMFA	1147	1296	1546	2188	2518	Orange

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 4

CALIFORNIA continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Oxnard-Thousand Oaks-Ventura, CA MSA	1069	1181	1502	2152	2462	Ventura
Redding, CA MSA	566	659	802	1170	1410	Shasta
Riverside-San Bernardino-Ontario, CA MSA	867	954	1125	1583	1846	Riverside, San Bernardino
Sacramento--Arden-Arcade--Roseville, CA HMFA	737	838	1022	1475	1690	El Dorado, Placer, Sacramento
Salinas, CA MSA	871	980	1125	1590	1665	Monterey
San Benito County, CA HMFA	742	1005	1118	1584	1961	San Benito
*San Diego-Carlsbad-San Marcos, CA MSA	1024	1168	1418	2067	2493	San Diego
San Francisco, CA HMFA	1078	1325	1658	2213	2339	Marin, San Francisco, San Mateo
San Jose-Sunnyvale-Santa Clara, CA HMFA	961	1113	1338	1924	2118	Santa Clara
San Luis Obispo-Paso Robles, CA MSA	781	924	1125	1639	1686	San Luis Obispo
Santa Barbara-Santa Maria-Goleta, CA MSA	1007	1124	1262	1662	1897	Santa Barbara
Santa Cruz-Watsonville, CA MSA	1034	1220	1590	2288	2358	Santa Cruz
Santa Rosa-Petaluma, CA MSA	844	1026	1296	1839	2150	Sonoma
Stockton, CA MSA	675	770	950	1304	1643	San Joaquin
Vallejo-Fairfield, CA MSA	940	1012	1161	1628	2005	Solano
Visalia-Porterville, CA MSA	518	580	674	964	990	Tulare
Yolo, CA HMFA	816	863	1055	1537	1635	Yolo
Yuba City, CA MSA	534	602	740	1077	1152	Sutter, Yuba

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alpine	622	698	890	1269	1307
Calaveras	686	686	825	1203	1327
Del Norte	613	621	803	1169	1205
Humboldt	569	666	876	1256	1391
Lake	562	659	858	1243	1384
Mariposa	622	698	890	1269	1307
Modoc	541	597	782	1114	1157
Nevada	704	822	1083	1564	1903
Sierra	658	768	1013	1435	1777
Tehama	509	578	755	1097	1317
Tuolumne	605	720	930	1285	1324

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Amador	671	787	1033	1501	1546
Colusa	624	627	815	1052	1430
Glenn	535	549	722	939	965
Inyo	563	590	767	1118	1318
Lassen	546	640	841	1223	1260
Mendocino	627	774	940	1283	1649
Mono	733	882	1127	1544	1980
Plumas	557	653	860	1255	1510
Siskiyou	486	583	746	1062	1094
Trinity	550	578	758	1040	1154

COLORADO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder, CO MSA	708	820	1029	1500	1799	Boulder
Colorado Springs, CO HMFA	562	630	796	1136	1344	El Paso
*Denver-Aurora, CO MSA	617	704	891	1265	1475	Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Park
Fort Collins-Loveland, CO MSA	574	688	834	1214	1415	Larimer
Grand Junction, CO MSA	561	562	675	983	1188	Mesa
Greeley, CO MSA	513	543	665	970	1144	Weld
Pueblo, CO MSA	491	517	679	889	1006	Pueblo
Teller County, CO HMFA	577	674	887	1291	1556	Teller

SCHEDULE B FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 5

COLORADO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alamosa	420	520	577	784	1014
Baca	441	518	577	822	887
Chaffee	437	551	671	978	1007
Conejos	441	518	577	822	887
Crowley	459	474	577	756	930
Delta	514	525	618	848	874
Eagle	870	1015	1336	1681	2295
Garfield	857	976	1082	1335	1375
Gunnison	539	592	770	1066	1352
Huerfano	441	518	577	822	887
Kiowa	459	474	577	756	930
Lake	658	830	1002	1247	1759
Las Animas	395	524	581	749	773
Logan	452	453	577	751	870
Moffat	514	562	705	924	1238
Montrose	442	580	672	892	1105
Otero	450	475	577	799	823
Phillips	459	474	577	756	930
Prowers	443	519	577	782	1014
Rio Grande	443	518	577	837	889
Saguache	441	518	577	822	887
San Miguel	708	850	1086	1583	1631
Summit	760	894	1168	1663	2050
Yuma	459	474	577	756	930

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Archuleta	525	618	777	945	1220
Bent	459	474	577	756	930
Cheyenne	459	474	577	756	930
Costilla	441	518	577	822	887
Custer	467	546	719	1007	1158
Dolores	525	615	712	943	1217
Fremont	416	497	638	916	1050
Grand	522	596	757	1101	1135
Hinsdale	658	830	1002	1247	1759
Jackson	585	676	750	967	1167
Kit Carson	459	474	577	756	930
La Plata	576	703	804	1128	1284
Lincoln	459	474	577	756	930
Mineral	658	830	1002	1247	1759
Montezuma	460	538	621	741	990
Morgan	498	540	602	802	969
Ouray	658	830	1002	1247	1759
Pitkin	918	1074	1413	1963	2481
Rio Blanco	585	676	750	967	1167
Routt	677	801	1042	1246	1830
San Juan	525	615	712	943	1217
Sedgwick	459	474	577	756	930
Washington	459	474	577	756	930

CONNECTICUT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT HMFA	788	1019	1214	1451	1762	Fairfield County towns of Bridgeport town, Easton town, Fairfield town, Monroe town, Shelton town, Stratford town, Trumbull town
Colchester-Lebanon, CT HMFA	700	821	1078	1289	1330	New London County towns of Colchester town, Lebanon town
Danbury, CT HMFA	977	1186	1505	1801	2233	Fairfield County towns of Bethel town, Brookfield town, Danbury town, New Fairfield town, Newtown town, Redding town, Ridgefield town, Sherman town
*Hartford-West Hartford-East Hartford, CT HMFA	697	835	1021	1226	1522	Hartford County towns of Avon town, Berlin town, Bloomfield town, Bristol town, Burlington town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford town, Hartland town, Manchester town, Marlborough town, New Britain town, Newington town, Plainville town, Rocky Hill town, Simsbury town, Southington town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, Windsor Locks town

SCHEDULE B – FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 6

CONNECTICUT continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Middlesex County towns of Chester town, Cromwell town, Durham town, East Haddam town, East Hampton town, Haddam town, Middlefield town, Middletown town, Portland town Tolland County towns of Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Mansfield town, Somers town, Stafford town, Tolland town, Union town, Vernon town, Willington town
Milford-Ansonia-Seymour, CT HMFA	858	995	1113	1417	1556	New Haven County towns of Ansonia town, Beacon Falls town, Derby town, Milford town, Oxford town, Seymour town
New Haven-Meriden, CT HMFA	774	915	1101	1316	1430	New Haven County towns of Bethany town, Branford town, Cheshire town, East Haven town, Guilford town, Hamden town, Madison town, Meriden town, New Haven town, North Branford town, North Haven town, Orange town, Wallingford town, West Haven town, Woodbridge town
Norwich-New London, CT HMFA	700	830	961	1176	1299	New London County towns of Bozrah town, East Lyme town, Franklin town, Griswold town, Groton town, Ledyard town, Lisbon town, Lyme town, Montville town, New London town, North Stonington town, Norwich town, Old Lyme town, Preston town, Salem town, Sprague town, Stonington town, Voluntown town, Waterford town
Southern Middlesex County, CT HMFA	824	868	1104	1416	1615	Middlesex County towns of Clinton town, Deep River town, Essex town, Killingworth town, Old Saybrook town, Westbrook town
Stamford-Norwalk, CT HMFA	1119	1362	1703	2219	2681	Fairfield County towns of Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town
Waterbury, CT HMFA	581	752	894	1070	1114	New Haven County towns of Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Litchfield County, CT	632	823	972	1248	1404	Barkhamsted town, Bethlehem town, Bridgewater town, Canaan town, Colebrook town, Cornwall town, Goshen town, Harwinton town, Kent town, Litchfield town, Morris town, New Hartford town, New Milford town, Norfolk town, North Canaan town, Plymouth town, Roxbury town, Salisbury town, Sharon town, Thomaston town, Torrington town, Warren town, Washington town, Watertown town, Winchester town, Woodbury town
Windham County, CT	584	707	851	1071	1136	Ashford town, Brooklyn town, Canterbury town, Chaplin town, Eastford town, Hampton town, Killingly town, Plainfield town, Pomfret town, Putnam town, Scotland town, Sterling town, Thompson town, Windham town, Woodstock town

DELAWARE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	642	699	774	1012	1359	Kent

SCHEDULE B – FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

DELAWARE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA...	736	842	1005	1203	1431	New Castle

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sussex	590	643	714	977	1005

DISTRICT OF COLUMBIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington-Arlington-Alexandria, DC-VA-MD HMFA....	1002	1131	1288	1647	2157	District of Columbia

FLORIDA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baker County, FL HMFA	375	519	577	844	866	Baker
*Bradenton-Sarasota-Venice, FL MSA	804	880	1059	1352	1486	Manatee, Sarasota
Cape Coral-Fort Myers, FL MSA	800	864	984	1337	1377	Lee
Deltona-Daytona Beach-Ormond Beach, FL MSA	616	720	896	1159	1193	Volusia
*Fort Lauderdale, FL HMFA	977	1092	1313	1816	2306	Broward
Fort Walton Beach-Crestview-Destin, FL MSA	619	725	816	1191	1307	Okaloosa
Gainesville, FL MSA	627	692	788	1152	1188	Alachua, Gilchrist
Jacksonville, FL HMFA	685	779	907	1138	1304	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	617	681	784	994	1167	Polk
Miami-Miami Beach-Kendall, FL HMFA	842	953	1156	1479	1728	Miami-Dade
Naples-Marco Island, FL MSA	868	995	1120	1392	1449	Collier
Ocala, FL MSA	619	638	749	983	1013	Marion
Orlando-Kissimmee, FL MSA	793	862	985	1233	1452	Lake, Orange, Osceola, Seminole
Palm Bay-Melbourne-Titusville, FL MSA	601	735	866	1167	1301	Brevard
Palm Coast, FL MSA	661	762	959	1343	1432	Flagler
Panama City-Lynn Haven, FL MSA	638	673	771	1065	1184	Bay
Pensacola-Ferry Pass-Brent, FL MSA	625	680	755	1094	1324	Escambia, Santa Rosa
Port St. Lucie, FL MSA	721	723	916	1211	1248	Martin, St. Lucie
Punta Gorda, FL MSA	645	676	877	1280	1541	Charlotte
Sebastian-Vero Beach, FL MSA	594	717	914	1138	1171	Indian River
Tallahassee, FL HMFA	650	723	892	1190	1225	Gadsden, Jefferson, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	705	782	946	1199	1447	Hernando, Hillsborough, Pasco, Pinellas
Wakulla County, FL HMFA	610	663	737	969	999	Wakulla
*West Palm Beach-Boca Raton, FL HMFA	936	1096	1294	1830	1885	Palm Beach

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bradford	399	554	614	761	785	Calhoun	515	516	618	779	888
Citrus	552	600	664	963	1159	Columbia	480	555	656	819	1151
DeSoto	542	555	652	786	809	Dixie	476	520	577	721	803
Franklin	514	515	618	778	886	Glades	570	607	690	842	900
Gulf	515	516	618	779	888	Hamilton	476	520	577	721	803
Hardee	542	588	652	800	822	Hendry	517	618	689	828	1022

SCHEDULE B – FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 8

FLORIDA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Highlands	585	588	704	911	1088
Jackson	404	518	577	714	834
Levy	478	513	577	737	758
Madison	515	516	618	779	888
Okeechobee	582	602	701	944	972
Sumter	478	519	577	758	1013
Taylor	524	568	632	756	777
Walton	576	594	695	859	885

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Holmes	491	522	592	770	809
Lafayette	476	520	577	721	803
Liberty	515	516	618	779	888
Monroe	861	1048	1291	1878	2011
Putnam	486	527	586	703	724
Suwannee	383	520	577	727	797
Union	478	550	618	818	843
Washington	384	437	577	827	850

GEORGIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	499	533	625	839	866	Baker, Dougherty, Lee, Terrell, Worth
Athens-Clarke County, GA MSA	534	594	745	992	1024	Clarke, Madison, Oconee, Oglethorpe
Atlanta-Sandy Springs-Marietta, GA HMFA	729	789	878	1069	1166	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Heard, Henry, Jasper, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, Walton
Augusta-Richmond County, GA-SC MSA	530	575	646	865	910	Burke, Columbia, McDuffie, Richmond
Brunswick, GA MSA	501	544	604	861	1061	Brantley, Glynn, McIntosh
Butts County, GA HMFA	405	541	625	912	1086	Butts
Chattanooga, TN-GA MSA	535	565	666	820	964	Catoosa, Dade, Walker
Columbus, GA-AL MSA	531	559	640	851	1007	Chattahoochee, Harris, Marion, Muscogee
Dalton, GA HMFA	511	555	614	760	782	Whitfield
Gainesville, GA MSA	697	731	843	1035	1200	Hall
Haralson County, GA HMFA	442	463	531	773	937	Haralson
Hinesville-Fort Stewart, GA HMFA	504	548	610	858	977	Liberty
Lamar County, GA HMFA	473	475	570	751	1000	Lamar
Long County, GA HMFA	450	489	544	745	768	Long
Macon, GA MSA	525	569	633	780	813	Bibb, Crawford, Jones, Twiggs
Meriwether County, GA HMFA	463	469	559	674	695	Meriwether
Monroe County, GA HMFA	506	550	610	731	755	Monroe
Murray County, GA HMFA	478	516	575	688	708	Murray
Rome, GA MSA	482	491	634	778	803	Floyd
Savannah, GA MSA	655	709	789	1047	1081	Bryan, Chatham, Effingham
Valdosta, GA MSA	516	517	622	843	870	Brooks, Echols, Lanier, Lowndes
Warner Robins, GA MSA	571	581	690	1001	1152	Houston

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Appling	440	478	531	647	667
Bacon	441	461	531	676	770
Banks	459	497	551	669	951
Berrien	435	436	531	658	678
Bulloch	489	506	599	719	738
Camden	546	547	659	959	1157
Charlton	441	461	531	676	770

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Atkinson	441	461	531	676	770
Baldwin	413	498	618	738	761
Ben Hill	348	449	536	649	666
Bleckley	373	435	531	657	753
Calhoun	441	478	531	681	837
Candler	440	478	531	647	667
Chattooga	346	423	531	637	927

GEORGIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clay	441	478	531	681	837
Coffee	440	455	531	661	809
Cook	441	450	531	722	933
Decatur	394	458	603	721	801
Dooly	441	456	531	670	904
Elbert	441	460	531	667	688
Evans	440	478	531	647	667
Franklin	459	497	551	669	951
Glascock	381	403	531	636	747
Grady	345	477	531	736	761
Habersham	524	526	630	755	1106
Hart	441	478	531	634	931
Jackson	546	593	660	802	1047
Jefferson	381	424	531	636	747
Johnson	400	490	546	705	737
Lincoln	441	460	531	667	688
Macon	441	456	531	670	904
Mitchell	346	439	531	637	884
Morgan	477	478	590	706	727
Pierce	441	461	531	676	770
Pulaski	402	470	531	773	811
Quitman	441	478	531	681	837
Randolph	441	478	531	681	837
Screven	381	403	531	636	747
Stephens	354	492	546	654	674
Sumter	415	466	573	686	1007
Taliaferro	441	460	531	667	688
Taylor	441	456	531	670	904
Thomas	486	527	586	752	1028
Toombs	345	478	531	740	819
Treutlen	402	470	531	710	812
Turner	441	467	531	673	821
Upson	374	506	576	688	709
Warren	441	460	531	667	688
Wayne	380	430	531	701	932
Wheeler	402	470	531	710	812
Wilcox	402	470	531	710	812
Wilkinson	400	490	546	705	737

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clinch	441	461	531	676	770
Colquitt	442	477	531	636	799
Crisp	441	444	531	671	691
Dodge	419	421	531	710	731
Early	441	478	531	681	837
Emanuel	347	402	531	647	827
Fannin	360	500	554	663	796
Gilmer	519	562	627	827	999
Gordon	519	523	672	804	829
Greene	441	460	531	667	688
Hancock	441	460	531	667	688
Irwin	441	467	531	673	821
Jeff Davis	440	478	531	647	667
Jenkins	381	403	531	636	747
Laurens	441	479	531	713	865
Lumpkin	465	605	718	969	1075
Miller	409	476	531	665	792
Montgomery	402	470	531	710	812
Peach	481	482	582	833	876
Polk	436	485	592	730	754
Putnam	400	405	531	772	794
Rabun	521	541	628	810	977
Schley	441	456	531	670	904
Seminole	409	476	531	665	792
Stewart	441	478	531	681	837
Talbot	509	510	615	758	780
Tattnall	442	477	531	700	766
Telfair	402	470	531	710	812
Tift	462	501	555	709	819
Towns	521	541	628	806	977
Troup	509	515	645	816	842
Union	521	541	628	806	977
Ware	440	475	531	680	714
Washington	381	437	531	649	747
Webster	441	456	531	670	904
White	465	580	644	813	978
Wilkes	441	460	531	667	688

HAWAII

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	1140	1337	1631	2367	2649	Honolulu

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 10

HAWAII continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hawaii	770	925	1038	1464	1604
Kauai	888	1000	1318	1654	1800
Kalawao	925	1066	1253	1584	1803
Maui	1137	1260	1465	1960	2099

IDAHO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City-Nampa, ID HMFA	516	612	722	1050	1116	Ada, Boise, Canyon, Owyhee
Coeur d'Alene, ID MSA	544	587	706	1027	1148	Kootenai
Gem County, ID HMFA	481	583	648	942	969	Gem
Idaho Falls, ID MSA	462	486	621	851	1069	Bonneville, Jefferson
Lewiston, ID-WA MSA	477	495	620	880	1073	Nez Perce
Logan, UT-ID MSA	471	508	635	852	1052	Franklin
Pocatello, ID MSA	396	461	594	858	1006	Bannock, Power

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	464	484	609	825	982
Benewah	533	543	682	975	1005
Blaine	771	838	930	1321	1630
Boundary	533	543	682	975	1005
Camas	473	517	645	850	909
Cassia	473	517	645	850	909
Clearwater	473	488	605	873	1007
Elmore	402	469	617	782	958
Gooding	473	517	645	850	909
Jerome	473	517	645	850	909
Lemhi	441	472	603	853	1013
Lincoln	473	517	645	850	909
Minidoka	374	492	577	764	786
Payette	399	481	611	774	1010
Teton	441	472	603	853	1013
Valley	464	484	609	825	982
Bear Lake	396	456	583	828	978
Bingham	406	450	577	794	820
Bonner	539	566	694	982	1011
Butte	441	472	603	853	1013
Caribou	396	456	583	828	978
Clark	441	472	603	853	1013
Custer	441	472	603	853	1013
Fremont	441	472	603	853	1013
Idaho	462	494	651	779	921
Latah	475	496	599	873	1011
Lewis	473	488	605	873	1007
Madison	448	449	577	838	912
Oneida	396	456	583	828	978
Shoshone	477	478	577	760	805
Twin Falls	426	518	656	846	1000
Washington	464	484	609	825	982

ILLINOIS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	499	551	696	931	1164	McLean
Bond County, IL HMFA	394	421	546	794	934	Bond
Champaign-Urbana, IL MSA	478	581	684	858	1179	Champaign, Ford, Piatt
*Chicago-Naperville-Joliet, IL HMFA	781	894	1004	1227	1387	Cook, DuPage, Kane, Lake, McHenry, Will
Danville, IL MSA	378	451	581	695	738	Vermilion
Davenport-Moline-Rock Island, IA-IL MSA	457	510	642	819	853	Henry, Mercer, Rock Island
DeKalb County, IL HMFA	562	635	834	1082	1327	DeKalb
Decatur, IL MSA	395	470	596	794	820	Macon
Grundy County, IL HMFA	566	663	869	1094	1473	Grundy

ILLINOIS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kankakee-Bradley, IL MSA	503	547	722	936	1004	Kankakee
Kendall County, IL HMFA	809	810	974	1369	1483	Kendall
Macoupin County, IL HMFA	503	504	606	755	782	Macoupin
Peoria, IL MSA	464	549	684	881	1000	Marshall, Peoria, Stark, Tazewell, Woodford
Rockford, IL MSA	482	544	689	901	928	Boone, Winnebago
Springfield, IL MSA	424	498	644	840	938	Menard, Sangamon
St. Louis, MO-IL HMFA	547	593	737	949	993	Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	355	422	546	709	732	Alexander	445	453	546	719	792
Brown	354	430	546	729	751	Bureau	386	449	593	731	801
Carroll	415	469	591	736	757	Cass	431	434	546	694	715
Christian	357	457	546	705	825	Clark	353	493	546	794	820
Clay	358	446	546	729	750	Coles	378	483	581	819	1020
Crawford	356	420	546	718	753	Cumberland	378	471	569	757	998
De Witt	449	450	549	717	839	Douglas	369	463	569	810	835
Edgar	355	416	546	687	708	Edwards	445	453	546	719	792
Effingham	480	481	579	731	773	Fayette	453	465	546	756	779
Franklin	353	434	546	678	958	Fulton	379	453	546	698	866
Gallatin	445	453	546	719	792	Greene	376	418	549	696	731
Hamilton	445	453	546	719	792	Hancock	455	456	546	656	679
Hardin	445	453	546	719	792	Henderson	377	440	546	690	824
Iroquois	406	451	546	687	805	Jackson	369	451	568	774	962
Jasper	354	440	546	719	739	Jefferson	467	479	571	718	740
Jo Daviess	429	459	546	728	750	Johnson	445	453	546	719	792
Knox	376	440	579	769	793	La Salle	451	487	642	810	1042
Lawrence	354	415	546	726	749	Lee	393	483	580	774	901
Livingston	405	497	625	746	777	Logan	469	470	562	772	885
McDonough	368	434	546	700	915	Marion	398	456	546	698	769
Mason	354	449	546	767	791	Massac	454	455	546	795	820
Montgomery	454	455	546	655	811	Morgan	385	448	590	732	795
Moultrie	365	431	561	707	858	Ogle	465	496	650	850	908
Perry	354	463	546	660	847	Pike	354	433	546	734	756
Pope	445	453	546	719	792	Pulaski	445	453	546	719	792
Putnam	369	432	568	718	785	Randolph	355	414	546	723	887
Richland	407	492	546	752	900	Saline	355	458	546	739	958
Schuyler	354	433	546	734	756	Scott	376	418	549	696	731
Shelby	453	454	546	711	805	Stephenson	410	480	632	756	780
Union	454	455	546	669	832	Wabash	445	453	546	719	792
Warren	355	416	546	681	777	Washington	378	433	546	702	723
Wayne	354	430	546	695	715	White	445	453	546	719	792
Whiteside	418	491	606	750	771	Williamson	357	417	546	787	811

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 12

INDIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, IN MSA	556	557	669	860	896	Madison
Bloomington, IN HMFA	473	548	668	949	981	Monroe
Carroll County, IN HMFA	404	475	623	820	844	Carroll
Cincinnati-Middleton, OH-KY-IN HMFA	478	566	733	981	1019	Dearborn, Franklin, Ohio
Columbus, IN MSA	642	644	773	948	1014	Bartholomew
Elkhart-Goshen, IN MSA	531	591	731	919	963	Elkhart
Evansville, IN-KY HMFA	430	502	624	770	837	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	466	495	619	772	794	Allen, Wells, Whitley
Gary, IN HMFA	531	662	807	964	995	Lake, Newton, Porter
Gibson County, IN HMFA	483	484	579	741	1018	Gibson
Greene County, IN HMFA	448	449	577	837	866	Greene
Indianapolis, IN HMFA	542	627	745	964	1020	Boone, Brown, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby
Jasper County, IN HMFA	578	580	720	939	968	Jasper
Kokomo, IN MSA	535	541	687	876	901	Howard, Tipton
Lafayette, IN HMFA	531	627	770	1003	1147	Benton, Tippecanoe
Louisville, KY-IN HMFA	496	573	680	950	1009	Clark, Floyd, Harrison
Michigan City-La Porte, IN MSA	459	530	673	894	919	LaPorte
Muncie, IN MSA	549	561	678	913	959	Delaware
Owen County, IN HMFA	492	494	592	749	1040	Owen
Putnam County, IN HMFA	546	548	659	788	888	Putnam
South Bend-Mishawaka, IN HMFA	528	588	707	907	934	St. Joseph
Sullivan County, IN HMFA	374	439	577	690	710	Sullivan
Terre Haute, IN HMFA	411	468	602	742	854	Clay, Vermillion, Vigo
Washington County, IN HMFA	439	491	577	710	945	Washington

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	479	520	577	755	890	Blackford	491	493	591	752	813
Cass	417	450	591	753	777	Clinton	510	541	661	826	866
Crawford	411	469	577	713	756	Daviess	479	482	577	751	920
Decatur	553	556	667	864	891	DeKalb	472	505	641	881	906
Dubois	385	463	593	809	833	Fayette	393	485	603	798	821
Fountain	424	509	577	772	807	Fulton	491	509	591	834	860
Grant	502	503	608	767	895	Henry	521	524	627	806	902
Huntington	449	535	632	789	955	Jackson	536	538	654	840	1020
Jay	374	459	577	782	807	Jefferson	426	457	602	721	892
Jennings	413	488	638	773	1064	Knox	401	457	577	714	891
Kosciusko	435	508	667	848	988	LaGrange	528	530	635	765	850
Lawrence	416	492	641	766	788	Marshall	454	523	650	857	883
Martin	411	454	577	711	831	Miami	374	440	577	840	906
Montgomery	423	498	634	863	909	Noble	564	565	679	811	834
Orange	373	438	577	726	792	Parke	480	482	577	727	915
Perry	375	439	577	749	773	Pike	374	443	577	747	770
Pulaski	494	495	596	791	817	Randolph	479	481	577	823	849
Ripley	547	549	661	796	911	Rush	518	519	624	748	819
Scott	433	484	613	792	917	Spencer	374	443	577	747	770

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 13

INDIANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Starke	497	524	600	793	834
Switzerland	452	490	645	808	900
Wabash	377	439	577	789	898
Wayne	410	482	604	820	845
Steuben	480	547	719	867	892
Union	406	495	625	778	804
Warren	408	501	628	772	897
White	435	601	667	797	1126

IOWA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ames, IA MSA	551	582	719	1029	1217	Story
Benton County, IA HMFA	350	414	540	672	900	Benton
Bremer County, IA HMFA	355	437	544	651	880	Bremer
Cedar Rapids, IA HMFA	423	493	649	920	1045	Linn
Davenport-Moline-Rock Island, IA-IL MSA	457	510	642	819	853	Scott
Des Moines-West Des Moines, IA MSA	499	596	727	931	1037	Dallas, Guthrie, Madison, Polk, Warren
Dubuque, IA MSA	406	437	574	771	840	Dubuque
Iowa City, IA HMFA	482	575	725	1056	1236	Johnson
Jones County, IA HMFA	449	450	540	757	780	Jones
Omaha-Council Bluffs, NE-IA HMFA	534	607	757	1011	1039	Harrison, Mills, Pottawattamie
Sioux City, IA-NE-SD MSA	423	497	652	821	845	Woodbury
Washington County, IA HMFA	357	430	546	697	837	Washington
Waterloo-Cedar Falls, IA HMFA	407	501	599	735	900	Black Hawk, Grundy

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	369	411	540	659	737
Allamakee	383	421	540	700	745
Audubon	403	414	540	710	743
Buchanan	448	449	540	697	716
Butler	383	421	540	700	745
Carroll	366	427	563	672	692
Cedar	382	421	556	719	778
Cherokee	403	414	540	710	743
Clarke	368	421	553	662	738
Clayton	383	421	540	700	745
Crawford	403	427	540	710	743
Decatur	369	411	540	659	737
Des Moines	418	457	579	728	820
Emmet	380	409	540	661	776
Floyd	379	409	540	676	696
Fremont	403	491	618	758	816
Hamilton	420	421	540	680	711
Hardin	462	464	555	664	706
Howard	383	421	540	700	745
Ida	403	414	540	710	743
Jackson	382	421	556	719	778
Adams	369	411	540	659	737
Appanoose	350	410	540	682	747
Boone	403	486	619	805	867
Buena Vista	420	425	556	667	766
Calhoun	428	429	540	694	726
Cass	403	491	618	758	816
Cerro Gordo	408	453	596	740	761
Chickasaw	383	421	540	700	745
Clay	350	409	540	656	821
Clinton	350	410	540	689	786
Davis	369	411	540	659	737
Delaware	382	421	556	719	778
Dickinson	350	432	540	683	947
Fayette	383	421	540	700	745
Franklin	390	429	540	690	724
Greene	403	414	540	710	743
Hancock	390	429	540	690	724
Henry	454	456	546	781	804
Humboldt	428	429	540	694	726
Iowa	418	442	548	717	740
Jasper	420	459	603	767	800

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 14

IOWA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jefferson	451	459	543	684	831
Kossuth	390	429	540	690	724
Louisa	414	464	573	741	784
Lyon	380	409	540	661	776
Marion	403	495	618	763	785
Mitchell	390	429	540	690	724
Monroe	369	411	540	659	737
Muscatine	411	508	632	778	839
Osceola	380	409	540	661	776
Palo Alto	380	409	540	661	776
Pocahontas	428	429	540	694	726
Ringgold	369	411	540	659	737
Shelby	403	491	618	758	816
Tama	418	442	548	717	740
Union	369	411	540	659	737
Wapello	385	447	590	704	733
Webster	411	418	543	751	775
Winneshiek	351	411	540	701	951
Wright	428	429	540	694	726

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Keokuk	369	411	540	659	737
Lee	394	458	540	685	704
Lucas	369	411	540	659	737
Mahaska	399	452	576	690	911
Marshall	412	477	596	766	880
Monona	403	414	540	710	743
Montgomery	403	491	618	758	816
O'Brien	380	409	540	661	776
Page	349	411	540	644	663
Plymouth	448	449	540	727	749
Poweshiek	376	439	577	737	760
Sac	403	414	540	710	743
Sioux	438	445	540	730	751
Taylor	369	411	540	659	737
Van Buren	369	411	540	659	737
Wayne	369	411	540	659	737
Winnebago	390	429	540	690	724
Worth	390	429	540	690	724

KANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Franklin County, KS HMFA	508	509	631	804	859	Franklin
*Kansas City, MO-KS HMFA	573	689	791	1070	1126	Johnson, Leavenworth, Linn, Miami, Wyandotte
Lawrence, KS MSA	539	554	712	1040	1250	Douglas
St. Joseph, MO-KS MSA	370	457	569	716	850	Doniphan
Sumner County, KS HMFA	354	416	547	736	857	Sumner
Topeka, KS MSA	473	515	630	799	840	Jackson, Jefferson, Osage, Shawnee, Wabaunsee
Wichita, KS HMFA	430	481	632	808	909	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	412	417	547	725	789
Atchison	430	479	587	855	1031
Barton	355	428	547	727	941
Brown	430	479	587	855	1031
Chautauqua	395	440	547	705	767
Cheyenne	410	416	547	700	720
Clay	425	466	573	735	905
Coffey	382	417	547	696	718
Cowley	365	447	547	693	713
Decatur	410	416	547	700	720
Edwards	356	419	547	712	840

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	395	440	547	705	767
Barber	356	419	547	712	840
Bourbon	397	422	547	790	891
Chase	382	417	547	696	718
Cherokee	456	473	547	766	940
Clark	474	478	582	708	777
Cloud	424	432	547	718	742
Comanche	356	419	547	712	840
Crawford	388	454	598	806	898
Dickinson	356	415	547	659	812
Elk	395	440	547	705	767

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 15

KANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ellis	393	445	585	809	847	Ellsworth	424	432	547	718	742
Finney	481	482	622	755	957	Ford	501	502	604	744	794
Geary	389	461	566	750	838	Gove	410	416	547	700	720
Graham	410	416	547	700	720	Grant	474	478	582	708	777
Gray	474	478	582	708	777	Greeley	474	478	582	708	777
Greenwood	382	417	547	696	718	Hamilton	474	478	582	708	777
Harper	356	419	547	712	840	Haskell	474	478	582	708	777
Hodgeman	474	478	582	708	777	Jewell	424	432	547	718	742
Kearny	474	478	582	708	777	Kingman	356	419	547	712	840
Kiowa	356	419	547	712	840	Labette	356	426	547	741	763
Lane	474	478	582	708	777	Lincoln	424	432	547	718	742
Logan	410	416	547	700	720	Lyon	356	416	547	731	865
McPherson	455	456	547	716	736	Marion	382	417	547	696	718
Marshall	425	466	573	735	905	Meade	474	478	582	708	777
Mitchell	424	432	547	718	742	Montgomery	392	438	547	673	837
Morris	425	466	573	735	905	Morton	474	478	582	708	777
Nemaha	430	479	587	855	1031	Neosho	354	426	547	651	957
Ness	474	478	582	708	777	Norton	410	416	547	700	720
Osborne	410	416	547	700	720	Ottawa	424	432	547	718	742
Pawnee	356	419	547	712	840	Phillips	410	416	547	700	720
Pottawatomie	370	513	569	724	835	Pratt	356	417	547	709	836
Rawlins	410	416	547	700	720	Reno	390	434	569	780	802
Republic	424	432	547	718	742	Rice	396	432	547	725	748
Riley	447	483	599	872	1051	Rooks	410	416	547	700	720
Rush	356	419	547	712	840	Russell	410	416	547	700	720
Saline	453	454	598	797	820	Scott	474	478	582	708	777
Seward	410	504	583	716	868	Sheridan	410	416	547	700	720
Sherman	403	416	547	686	708	Smith	410	416	547	700	720
Stafford	356	419	547	712	840	Stanton	474	478	582	708	777
Stevens	474	478	582	708	777	Thomas	407	415	547	695	716
Trego	410	416	547	700	720	Wallace	410	416	547	700	720
Washington	424	432	547	718	742	Wichita	474	478	582	708	777
Wilson	395	439	547	703	765	Woodson	395	440	547	705	767

KENTUCKY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bowling Green, KY MSA	459	548	667	889	1048	Edmonson, Warren
Cincinnati-Middleton, OH-KY-IN HMFA	478	566	733	981	1019	Boone, Bracken, Campbell, Gallatin, Kenton, Pendleton
Clarksville, TN-KY HMFA	537	559	649	938	966	Christian, Trigg
Elizabethtown, KY MSA	424	473	570	811	998	Hardin, Larue
Evansville, IN-KY HMFA	430	502	624	770	837	Henderson, Webster
Grant County, KY HMFA	452	545	694	854	957	Grant

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 16

KENTUCKY continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Huntington-Ashland, WV-KY-OH MSA	410	485	582	718	741	Boyd, Greenup
Lexington-Fayette, KY MSA	458	551	679	913	941	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford
Louisville, KY-IN HMFA	496	573	680	950	1009	Bullitt, Henry, Jefferson, Oldham, Spencer, Trimble
Meade County, KY HMFA	471	473	566	726	814	Meade
Nelson County, KY HMFA	403	487	589	858	928	Nelson
Owensboro, KY MSA	413	459	604	838	887	Daviess, Hancock, McLean
Shelby County, KY HMFA	563	564	681	896	923	Shelby

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	382	424	504	614	685	Allen	330	428	504	673	871
Anderson	486	519	686	992	1183	Ballard	413	457	563	721	813
Barren	348	407	528	658	725	Bath	395	428	528	659	682
Bell	331	452	504	601	738	Boyle	423	468	615	737	761
Breathitt	418	439	504	626	655	Breckinridge	412	414	532	711	733
Butler	451	535	651	856	881	Caldwell	419	420	504	638	725
Calloway	501	503	604	744	1061	Carlisle	413	457	563	721	813
Carroll	495	497	617	816	886	Carter	329	438	508	605	685
Casey	382	424	504	614	685	Clay	327	453	504	601	619
Clinton	382	424	504	614	685	Crittenden	418	420	504	658	747
Cumberland	382	424	504	614	685	Elliott	440	442	532	676	799
Estill	418	420	504	644	849	Fleming	395	428	528	659	682
Floyd	382	428	504	661	762	Franklin	498	528	695	942	969
Fulton	413	457	563	721	813	Garrard	425	476	571	682	1000
Graves	405	406	504	602	734	Grayson	419	420	504	657	771
Green	380	420	504	609	680	Harlan	417	449	504	620	784
Harrison	434	436	570	747	772	Hart	375	409	504	643	749
Hickman	413	457	563	721	813	Hopkins	418	419	504	632	884
Jackson	418	439	504	609	627	Johnson	329	429	504	687	707
Knott	418	439	504	631	655	Knox	330	399	504	711	735
Laurel	418	453	504	619	846	Lawrence	327	382	504	673	694
Lee	418	439	504	631	655	Leslie	418	439	504	631	655
Letcher	418	439	504	626	655	Lewis	395	428	528	659	682
Lincoln	364	498	552	661	873	Livingston	417	418	504	648	736
Logan	446	485	539	738	818	Lyon	492	500	593	769	797
McCracken	378	475	584	783	807	McCreary	419	452	504	650	667
Madison	433	459	588	829	973	Magoffin	419	422	504	620	648
Marion	412	414	532	711	733	Marshall	452	453	546	711	925
Martin	419	422	504	620	648	Mason	340	434	525	766	879
Menifee	395	428	528	659	682	Mercer	460	490	555	731	860
Metcalfe	375	409	504	643	749	Monroe	375	409	504	643	749
Montgomery	405	472	623	743	766	Morgan	395	428	528	659	682
Muhlenberg	416	417	504	640	657	Nicholas	517	517	677	829	914
Ohio	416	443	504	668	734	Owen	551	629	718	966	1259

KENTUCKY continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Owsley	418	439	504	631	655
Pike	428	429	516	619	637
Pulaski	358	396	504	622	659
Rockcastle	418	439	504	609	627
Russell	382	424	504	614	685
Taylor	332	454	504	650	853
Union	445	447	538	655	689
Wayne	330	403	504	653	673
Wolfe	418	439	504	631	655

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Perry	418	440	504	603	739
Powell	382	483	590	706	727
Robertson	395	428	528	659	682
Rowan	444	493	548	688	710
Simpson	452	530	697	866	893
Todd	492	500	593	769	797
Washington	412	414	532	711	733
Whitley	385	405	534	638	657

LOUISIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	450	487	580	755	776	Grant, Rapides
Baton Rouge, LA HMFA	627	682	788	1005	1105	Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana
Houma-Bayou Cane-Thibodaux, LA MSA	499	503	624	819	934	Lafourche, Terrebonne
Iberville Parish, LA HMFA	443	444	534	723	745	Iberville
Lafayette, LA MSA	520	596	661	848	1075	Lafayette, St. Martin
Lake Charles, LA MSA	486	548	667	823	1159	Calcasieu, Cameron
Monroe, LA MSA	442	501	622	825	852	Ouachita, Union
New Orleans-Metairie-Kenner, LA MSA	795	881	1030	1323	1367	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany
Shreveport-Bossier City, LA MSA	504	580	677	859	886	Bossier, Caddo, De Soto

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Acadia	416	416	506	640	734
Assumption	475	476	572	698	717
Beauregard	431	443	521	759	913
Caldwell	399	427	506	640	714
Claiborne	466	474	561	670	734
East Carroll	399	427	506	640	714
Franklin	399	427	506	640	714
Jackson	399	427	506	640	714
La Salle	384	413	506	641	775
Madison	399	427	506	640	714
Natchitoches	487	488	585	701	905
Richland	399	427	506	640	714
St. James	485	566	694	852	878
St. Mary	460	468	563	736	759
Tensas	399	427	506	640	714
Vernon	414	456	506	735	877
Webster	408	409	517	697	719
Winn	420	455	506	638	680

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	419	421	506	735	816
Avoyelles	327	446	506	689	823
Bienville	466	474	561	670	734
Catahoula	384	413	506	641	775
Concordia	384	413	506	656	775
Evangeline	418	420	506	648	666
Iberia	480	493	581	718	837
Jefferson Davis	420	421	506	641	658
Lincoln	499	515	600	781	806
Morehouse	431	433	538	645	698
Red River	466	474	561	670	734
Sabine	466	474	561	670	734
St. Landry	330	396	506	683	727
Tangipahoa	439	510	642	769	913
Vermilion	421	422	506	694	718
Washington	420	424	506	674	694
West Carroll	399	427	506	640	714

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MAINE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME HMFA	509	593	757	962	1086	Penobscot County towns of Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian Island Reservation, Veazie town
Cumberland County, ME (part) HMFA	555	663	854	1020	1307	Cumberland County towns of Baldwin town, Bridgton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town
Lewiston-Auburn, ME MSA	420	526	643	815	902	Androscoggin County towns of Auburn city, Durham town, Greene town, Leeds town, Lewiston city, Lisbon town, Livermore town, Livermore Falls town, Mechanic Falls town, Minot town, Poland town, Sabattus town, Turner town, Wales town
Penobscot County, ME (part) HMFA	520	522	627	784	961	Penobscot County towns of Alton town, Argyle UT, Bradford town, Bradley town, Burlington town, Carmel town, Carroll plantation, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penobscot UT, East Millinocket town, Edinburg town, Enfield town, Etna town, Exeter town, Garland town, Greenbush town, Howland town, Hudson town, Kingman UT, Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Newport town, North Penobscot UT, Passadumkeag town, Patten town, Plymouth town, Prentiss UT, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly UT, Webster plantation, Whitney UT, Winn town, Woodville town
Portland, ME HMFA	677	804	1042	1313	1407	Cumberland County towns of Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Frye Island town, Gorham town, Gray town, Long Island town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town York County towns of Buxton town, Hollis town, Limington town, Old Orchard Beach town
Sagadahoc County, ME HMFA	671	671	805	972	1394	Sagadahoc County towns of Arrowsic town, Bath city, Bowdoin town, Bowdoinham town, Georgetown town, Perkins UT, Phippsburg town, Richmond town, Topsham town, West Bath town, Woolwich town
York County, ME (part) HMFA	613	637	810	969	1058	York County towns of Acton town, Alfred town, Arundel town, Biddeford city, Cornish town, Dayton town, Kennebunk town, Kennebunkport town, Lebanon town, Limerick town, Lyman town, Newfield town, North Berwick town, Ogunquit town, Parsonsfield town, Saco city, Sanford town, Shapleigh town, Waterboro town, Wells town
York-Kittery-South Berwick, ME HMFA	788	792	950	1383	1508	York County towns of Berwick town, Eliot town, Kittery town, South Berwick town, York town

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 19

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Aroostook County, ME	396	488	585	763	841	Allagash town, Amity town, Ashland town, Bancroft town, Blaine town, Bridgewater town, Caribou city, Cary plantation, Castle Hill town, Caswell town, Central Aroostook UT, Chapman town, Connor UT, Crystal town, Cyr plantation, Dyer Brook town, Eagle Lake town, Easton town, Fort Fairfield town, Fort Kent town, Frenchville town, Garfield plantation, Glenwood plantation, Grand Isle town, Hamlin town, Hammond town, Haynesville town, Hersey town, Hodgdon town, Houlton town, Island Falls town, Limestone town, Linneus town, Littleton town, Ludlow town, Macwahoc plantation, Madawaska town, Mapleton town, Mars Hill town, Masardis town, Merrill town, Monticello town, Moro plantation, Nashville plantation, New Canada town, New Limerick town, New Sweden town, Northwest Aroostook UT, Oakfield town, Orient town, Oxbow plantation, Penobscot Indian Island Reservation, Perham town, Portage Lake town, Presque Isle city, Reed plantation, St. Agatha town, St. Francis town, St. John plantation, Sherman town, Smyrna town, South Aroostook UT, Square Lake UT, Stockholm town, Van Buren town, Wade town, Wallagrass town, Washburn town, Westfield town, Westmanland town, Weston town, Winterville plantation, Woodland town
Franklin County, ME	492	530	646	771	1001	Avon town, Carrabassett Valley town, Carthage town, Chesterville town, Coplin plantation, Dallas plantation, East Central Franklin UT, Eustis town, Farmington town, Industry town, Jay town, Kingfield town, Madrid town, New Sharon town, New Vineyard town, North Franklin UT, Phillips town, Rangeley town, Rangeley plantation, Sandy River plantation, South Franklin UT, Strong town, Temple town, Weld town, West Central Franklin UT, Wilton town, Wyman UT
Hancock County, ME	537	618	720	1014	1043	Amherst town, Aurora town, Bar Harbor town, Blue Hill town, Brooklin town, Brooksville town, Bucksport town, Castine town, Central Hancock UT, Cranberry Isles town, Dedham town, Deer Isle town, Eastbrook town, East Hancock UT, Ellsworth city, Franklin town, Frenchboro town, Gouldsboro town, Great Pond town, Hancock town, Lamoine town, Mariaville town, Mount Desert town, Northwest Hancock UT, Orland town, Osborn town, Otis town, Penobscot town, Sedgwick town, Sorrento town, Southwest Harbor town, Stonington town, Sullivan town, Surry town, Swans Island town, Tremont town, Trenton town, Verona town, Waltham town, Winter Harbor town
Kennebec County, ME	425	510	635	867	926	Albion town, Augusta city, Belgrade town, Benton town, Chelsea town, China town, Clinton town, Farmingdale town, Fayette town, Gardiner city, Hallowell city, Litchfield town, Manchester town, Monmouth town, Mount Vernon town, Oakland town, Pittston town, Randolph town, Readfield town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 20

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Rome town, Sidney town, Unity UT, Vassalboro town, Vienna town, Waterville city, Wayne town, West Gardiner town, Windsor town, Winslow town, Winthrop town
Knox County, ME	486	642	733	992	1145	Appleton town, Camden town, Criehaven UT, Cushing town, Friendship town, Hope town, Isle au Haut town, Matinicus Isle plantation, North Haven town, Owls Head town, Rockland city, Rockport town, St. George town, South Thomaston town, Thomaston town, Union town, Vinalhaven town, Warren town, Washington town
Lincoln County, ME	587	631	761	919	947	Alna town, Boothbay town, Boothbay Harbor town, Bremen town, Bristol town, Damariscotta town, Dresden town, Edgecomb town, Hibberts gore, Jefferson town, Monhegan plantation, Newcastle town, Nobleboro town, Somerville town, South Bristol town, Southport town, Waldoboro town, Westport town, Whitefield town, Wiscasset town
Oxford County, ME	410	545	628	836	1049	Andover town, Bethel town, Brownfield town, Buckfield town, Byron town, Canton town, Denmark town, Dixfield town, Fryeburg town, Gilead town, Greenwood town, Hanover town, Hartford town, Hebron town, Hiram town, Lincoln plantation, Lovell town, Magalloway plantation, Mexico town, Milton UT, Newry town, North Oxford UT, Norway town, Otisfield town, Oxford town, Paris town, Peru town, Porter town, Roxbury town, Rumford town, South Oxford UT, Stoneham town, Stow town, Sumner town, Sweden town, Upton town, Waterford town, West Paris town, Woodstock town
Piscataquis County, ME	510	581	719	912	976	Abbot town, Atkinson town, Beaver Cove town, Blanchard UT, Bowerbank town, Brownville town, Dover-Foxcroft town, Greenville town, Guilford town, Kingsbury plantation, Lake View plantation, Medford town, Milo town, Monson town, Northeast Piscataquis UT, Northwest Piscataquis UT, Parkman town, Sangerville town, Sebec town, Shirley town, Southeast Piscataquis UT, Wellington town, Willimantic town
Somerset County, ME	408	506	600	847	898	Anson town, Athens town, Bingham town, Brighton plantation, Cambridge town, Canaan town, Caratunk town, Central Somerset UT, Cornville town, Dennistown plantation, Detroit town, Embden town, Fairfield town, Harmony town, Hartland town, Highland plantation, Jackman town, Madison town, Mercer town, Moose River town, Moscow town, New Portland town, Norridgewock town, Northeast Somerset UT, Northwest Somerset UT, Palmyra town, Pittsfield town, Pleasant Ridge plantation, Ripley town, St. Albans town, Seboomook Lake UT, Skowhegan town, Smithfield town, Solon town, Starks town, The Forks plantation, West Forks plantation
Waldo County, ME	572	613	740	907	965	Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town,

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Washington County, ME	492	531	634	786	857	Stockton Springs town, Swanville town, Thorndike town, Troy town, Unity town, Waldo town, Winterport town Addison town, Alexander town, Baileyville town, Baring plantation, Beals town, Beddington town, Calais city, Centerville town, Charlotte town, Cherryfield town, Codyville plantation, Columbia town, Columbia Falls town, Cooper town, Crawford town, Cutler town, Danforth town, Deblois town, Dennysville town, East Central Washington UT, East Machias town, Eastport city, Grand Lake Stream plantation, Harrington town, Jonesboro town, Jonesport town, Lubec town, Machias town, Machiasport town, Marshfield town, Meddybemps town, Milbridge town, Northfield town, North Washington UT, Passamaquoddy Indian Township Reservation, Passamaquoddy Pleasant Point Reservation, Pembroke town, Perry town, Princeton town, Robbinston town, Roque Bluffs town, Steuben town, Talmadge town, Topsfield town, Vanceboro town, Waite town, Wesley town, Whiting town, Whitneyville town

MARYLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore-Towson, MD HMFA	748	868	1037	1315	1532	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city
Columbia city, MD HMFA	1247	1296	1504	2044	2381	Columbia city
Cumberland, MD-WV MSA	406	492	577	778	908	Allegany
Hagerstown, MD HMFA	521	597	764	1102	1138	Washington
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	736	842	1005	1203	1431	Cecil
Salisbury, MD HMFA	557	694	815	1010	1158	Wicomico
Somerset County, MD HMFA	551	586	690	854	1122	Somerset
Washington-Arlington-Alexandria, DC-VA-MD HMFA	1002	1131	1288	1647	2157	Calvert, Charles, Frederick, Montgomery, Prince George's

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Caroline	624	646	755	1021	1049
Garrett	393	486	604	779	1033
St. Mary's	790	820	1068	1403	1848
Worcester	671	698	809	1181	1257
Dorchester	470	565	720	971	999
Kent	703	704	847	1039	1395
Talbot	732	734	883	1195	1262

MASSACHUSETTS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable Town, MA MSA	774	906	1192	1422	1467	Barnstable County towns of Barnstable Town city, Bourne town, Brewster town, Chatham town, Dennis town, Eastham town, Falmouth town, Harwich town, Mashpee town, Orleans town, Provincetown town, Sandwich town, Truro town, Wellfleet town,

SCHEDULE B FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 22

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Yarmouth town
Berkshire County, MA (part) HMFA.....	614	689	795	1088	1119	Berkshire County towns of Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington town, Hancock town, Monterey town, Mount Washington town, New Ashford town, New Marlborough town, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge town, Williamstown town, Windsor town
Boston-Cambridge-Quincy, MA-NH HMFA.....	1080	1146	1345	1609	1767	Essex County towns of Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester-by-the-Sea town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town Middlesex County towns of Acton town, Arlington town, Ashby town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown city, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city Norfolk County towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin city, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, Wrentham town Plymouth County towns of Carver town, Duxbury town, Hanover town, Hingham town, Hull town, Kingston town, Marshfield town, Norwell town, Pembroke town, Plymouth town, Rockland town, Scituate town, Wareham town Suffolk County towns of Boston city, Chelsea city, Revere city, Winthrop town
Brockton, MA HMFA.....	965	1004	1265	1513	1896	Norfolk County towns of Avon town Plymouth County towns of Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, Hanson town, Lakeville town, Marion town, Mattapoisett town, Middleborough town, Plympton town, Rochester town, West Bridgewater town, Whitman town
Eastern Worcester County, MA HMFA.....	714	798	1050	1255	1843	Worcester County towns of Berlin town, Blackstone town, Bolton town, Harvard town, Hopedale town, Lancaster town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 23

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Mendon town, Milford town, Millville town, Southborough town, Upton town
Easton-Raynham, MA HMFA	842	1116	1298	1552	2244	Bristol County towns of Easton town, Raynham town
Fitchburg-Leominster, MA HMFA	657	754	946	1158	1258	Worcester County towns of Ashburnham town, Fitchburg city, Gardner city, Leominster city, Lunenburg town, Templeton town, Westminster town, Winchendon town
Franklin County, MA (part) HMFA	591	689	854	1139	1376	Franklin County towns of Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Lawrence, MA-NH HMFA	754	959	1160	1385	1428	Essex County towns of Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen city, North Andover town, West Newbury town
Lowell, MA HMFA	835	1000	1285	1534	1683	Middlesex County towns of Billerica town, Chelmsford town, Dracut town, Dunstable town, Groton town, Lowell city, Pepperell town, Tewksbury town, Tyngsborough town, Westford town
New Bedford, MA HMFA	583	747	855	1024	1382	Bristol County towns of Acushnet town, Dartmouth town, Fairhaven town, Freetown town, New Bedford city
Pittsfield, MA HMFA	579	676	839	1078	1111	Berkshire County towns of Adams town, Cheshire town, Dalton town, Hinsdale town, Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town, Stockbridge town
Providence-Fall River, RI-MA HMFA	746	830	956	1142	1409	Bristol County towns of Attleboro city, Fall River city, North Attleborough town, Rehoboth town, Seekonk town, Somerset town, Swansea town, Westport town
Springfield, MA HMFA	579	688	874	1046	1214	Franklin County towns of Sunderland town Hampden County towns of Agawam city, Blandford town, Brimfield town, Chester town, Chicopee city, East Longmeadow town, Granville town, Hampden town, Holland town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town, Palmer town, Russell town, Southwick town, Springfield city, Tolland town, Wales town, Westfield city, West Springfield town, Wilbraham town Hampshire County towns of Amherst town, Belchertown town, Chesterfield town, Cummington town, Easthampton city, Goshen town, Granby town, Hadley town, Hatfield town, Huntington town, Middlefield town, Northampton city, Pelham town, Plainfield town, Southampton town, South Hadley town, Ware town, Westhampton town, Williamsburg town, Worthington town
Taunton-Mansfield-Norton, MA HMFA	727	917	1120	1374	1483	Bristol County towns of Berkley town, Dighton town, Mansfield town, Norton town, Taunton city
Western Worcester County, MA HMFA	528	725	813	970	1246	Worcester County towns of Athol town, Hardwick town, Hubbardston town, New Braintree town, Petersham town, Phillipston town, Royalston town, Warren town
Worcester, MA HMFA	658	757	922	1103	1169	Worcester County towns of Auburn town, Barre town,

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 24

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Boylston town, Brookfield town, Charlton town, Clinton town, Douglas town, Dudley town, East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oakham town, Oxford town, Paxton town, Princeton town, Rutland town, Shrewsbury town, Southbridge town, Spencer town, Sterling town, Sturbridge town, Sutton town, Uxbridge town, Webster town, Westborough town, West Boylston town, West Brookfield town, Worcester city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Dukes County, MA	929	1179	1404	1678	1730	Aquinnah town, Chilmark town, Edgartown town, Gosnold town, Oak Bluffs town, Tisbury town, West Tisbury town
Nantucket County, MA	1088	1506	1671	1999	2059	Nantucket town

MICHIGAN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI MSA	689	773	940	1183	1217	Washtenaw
Barry County, MI HMFA	432	545	666	960	1056	Barry
Battle Creek, MI MSA	481	552	676	823	848	Calhoun
Bay City, MI MSA	445	497	604	806	830	Bay
Cass County, MI HMFA	473	541	598	792	920	Cass
Detroit-Warren-Livonia, MI HMFA	594	676	809	968	997	Lapeer, Macomb, Oakland, St. Clair, Wayne
Flint, MI MSA	495	523	628	778	803	Genesee
Grand Rapids-Wyoming, MI HMFA	543	581	698	879	905	Kent
Holland-Grand Haven, MI MSA	605	615	738	1021	1103	Ottawa
Ionia County, MI HMFA	460	534	651	779	868	Ionia
Jackson, MI MSA	503	561	670	833	858	Jackson
Kalamazoo-Portage, MI MSA	520	555	674	896	935	Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	558	606	750	950	1031	Clinton, Eaton, Ingham
Livingston County, MI HMFA	721	760	894	1289	1569	Livingston
Monroe, MI MSA	643	646	777	1015	1117	Monroe
Muskegon-Norton Shores, MI MSA	448	467	607	802	826	Muskegon
Newaygo County, MI HMFA	508	537	613	829	853	Newaygo
Niles-Benton Harbor, MI MSA	472	529	645	789	1012	Berrien
Saginaw-Saginaw Township North, MI MSA	465	532	672	805	827	Saginaw

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcona	407	471	577	777	823	Alger	381	484	577	711	801
Allegan	481	580	695	871	934	Alpena	456	518	577	797	881
Antrim	500	501	604	840	1059	Arenac	459	484	577	772	855
Baraga	381	484	577	711	801	Benzie	618	619	750	937	964
Branch	479	511	673	807	830	Charlevoix	525	567	629	905	933
Cheboygan	404	469	579	778	817	Chippewa	381	475	586	710	796

MICHIGAN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clare	423	439	577	777	801
Delta	400	477	577	759	805
Emmet	439	541	674	909	961
Gogebic	398	476	577	706	839
Gratiot	481	482	577	769	859
Houghton	410	480	577	750	860
Iosco	471	499	577	839	871
Isabella	479	518	577	830	906
Keweenaw	398	476	577	706	839
Leelanau	618	619	750	937	964
Luce	398	486	577	757	825
Manistee	460	476	625	748	839
Mason	375	441	577	755	830
Menominee	479	481	577	761	1015
Missaukee	444	533	629	827	908
Montmorency	404	469	586	772	817
Ogemaw	444	466	577	745	825
Osceola	479	480	577	790	995
Otsego	472	551	725	869	914
Roscommon	479	481	577	750	923
Sanilac	481	518	577	812	835
Shiawassee	412	507	631	869	969
Wexford	403	533	621	822	905

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Crawford	404	470	586	773	819
Dickinson	375	456	577	696	948
Gladwin	459	484	577	772	855
Grand Traverse	632	634	794	1039	1072
Hillsdale	404	498	593	834	911
Huron	479	482	577	765	929
Iron	398	476	577	706	839
Kalkaska	496	539	598	726	749
Lake	442	483	577	755	909
Lenawee	450	565	693	884	965
Mackinac	382	474	587	708	771
Marquette	374	485	577	726	789
Mecosta	421	501	607	807	1064
Midland	469	534	659	908	970
Montcalm	446	517	591	798	823
Oceana	418	484	577	698	744
Ontonagon	398	476	577	706	839
Oscoda	407	471	577	777	823
Presque Isle	407	471	577	777	823
St. Joseph	477	532	627	774	868
Schoolcraft	398	486	577	757	825
Tuscola	415	474	602	722	864

MINNESOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth, MN-WI MSA	404	492	621	780	994	Carlton, St. Louis
Fargo, ND-MN MSA	410	487	620	895	1034	Clay
Grand Forks, ND MN MSA	398	500	613	777	1056	Polk
La Crosse, WI-MN MSA	407	477	627	832	1022	Houston
Minneapolis-St. Paul-Bloomington, MN-WI MSA	610	719	873	1143	1284	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright
Rochester, MN HMFA	602	642	844	1095	1143	Dodge, Olmsted
St. Cloud, MN MSA	495	545	653	923	1072	Benton, Stearns
Wabasha County, MN HMFA	412	459	588	736	1033	Wabasha

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aitkin	416	489	642	801	867
Beltrami	402	476	605	832	1062
Blue Earth	475	594	686	987	1207
Cass	374	479	577	728	749
Clearwater	403	455	577	728	1012

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Becker	374	443	577	722	751
Big Stone	374	455	577	737	763
Brown	430	489	587	703	723
Chippewa	442	481	577	690	712
Cook	374	475	577	723	744

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MINNESOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Cottonwood	422	462	577	736	770
Douglas	409	487	613	888	972
Fillmore	400	481	600	783	982
Goodhue	464	544	715	910	985
Hubbard	403	455	577	728	1012
Jackson	422	462	577	736	770
Kandiyohi	467	479	594	800	825
Koochiching	374	479	577	728	749
Lake	374	475	577	723	744
Le Sueur	515	532	640	891	919
Lyon	443	498	612	763	785
Mahnomen	403	455	577	728	1012
Martin	478	479	577	838	863
Mille Lacs	480	494	651	807	896
Mower	386	452	577	717	739
Nicollet	538	552	649	851	878
Norman	380	455	577	735	861
Pennington	377	444	577	729	796
Pipestone	422	462	577	736	770
Red Lake	380	455	577	735	861
Renville	466	486	599	783	805
Rock	422	462	577	736	770
Sibley	466	486	599	783	805
Stevens	375	471	577	695	939
Todd	418	470	581	701	932
Wadena	418	470	581	701	932
Watonwan	422	462	577	736	770
Winona	423	500	652	901	1144

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Crow Wing	429	502	662	849	993
Faribault	422	462	577	736	770
Freeborn	374	439	577	688	907
Grant	374	455	577	737	763
Itasca	393	486	605	733	859
Kanabec	446	523	687	857	927
Kittson	380	455	577	735	861
Lac qui Parle	442	481	577	690	712
Lake of the Woods	403	455	577	728	1012
Lincoln	442	481	577	690	712
McLeod	539	541	670	959	990
Marshall	380	455	577	735	861
Meeker	466	516	599	783	805
Morrison	388	461	597	714	1048
Murray	422	462	577	736	770
Nobles	380	475	577	766	789
Otter Tail	376	447	577	703	725
Pine	465	504	651	850	878
Pope	374	455	577	737	763
Redwood	442	481	577	690	712
Rice	565	590	776	927	1078
Roseau	374	445	577	720	842
Steele	451	548	692	871	1135
Swift	374	455	577	737	763
Traverse	374	455	577	737	763
Waseca	416	489	642	768	803
Wilkin	374	455	577	737	763
Yellow Medicine	442	481	577	690	712

MISSISSIPPI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Gulfport-Biloxi, MS MSA	682	722	844	1100	1130	Hancock, Harrison, Stone
Hattiesburg, MS MSA	461	525	625	910	939	Forrest, Lamar, Perry
Jackson, MS HMFA	598	676	784	943	972	Copiah, Hinds, Madison, Rankin
Marshall County, MS HMFA	351	438	541	790	814	Marshall
Memphis, TN-MS-AR HMFA	618	671	746	994	1025	DeSoto
Pascagoula, MS MSA	585	670	804	1107	1188	George, Jackson
Simpson County, MS HMFA	467	493	564	676	976	Simpson
Tate County, MS HMFA	445	516	574	804	1008	Tate
Tunica County, MS HMFA	488	587	752	903	1108	Tunica

MISSISSIPPI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	370	512	568	681	975
Amite	428	481	536	648	736
Benton	488	547	606	727	747
Calhoun	440	453	536	718	899
Chickasaw	405	498	583	698	734
Claiborne	445	446	536	672	788
Clay	444	446	536	781	806
Covington	445	446	536	672	788
Greene	406	435	536	700	737
Holmes	453	524	583	697	730
Issaquena	453	524	583	697	730
Jasper	421	455	536	644	686
Jefferson Davis	445	446	536	672	788
Kemper	446	496	570	746	772
Lauderdale	452	507	594	816	842
Leake	421	455	536	644	686
Leflore	348	408	536	712	837
Lowndes	469	481	564	819	845
Monroe	444	474	536	671	717
Neshoba	347	468	536	638	937
Noxubee	451	468	544	745	795
Panola	347	481	536	642	740
Pike	444	482	536	705	727
Prentiss	348	406	536	643	662
Scott	445	474	536	642	691
Smith	421	455	536	644	686
Tallahatchie	362	406	536	711	745
Tishomingo	348	453	536	673	696
Walthall	428	481	536	648	736
Washington	370	482	568	737	901
Webster	440	453	536	718	899
Winston	405	498	583	698	734
Yazoo	444	471	536	640	661

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcorn	445	480	536	745	942
Attala	440	453	536	718	899
Bolivar	437	494	568	681	999
Carroll	362	406	536	711	745
Choctaw	440	453	536	718	899
Clarke	446	496	570	746	772
Coahoma	457	472	623	744	1094
Franklin	428	481	536	648	736
Grenada	418	458	536	755	898
Humphreys	362	406	536	711	745
Itawamba	347	473	536	708	836
Jefferson	445	446	536	672	788
Jones	362	421	536	706	729
Lafayette	480	568	700	839	863
Lawrence	445	446	536	672	788
Lee	488	508	586	800	902
Lincoln	391	482	536	735	941
Marion	422	478	536	704	801
Montgomery	440	453	536	718	899
Newton	446	496	570	746	772
Oktibbeha	426	517	630	821	845
Pearl River	472	473	567	692	976
Pontotoc	444	445	536	729	750
Quitman	438	468	552	661	829
Sharkey	453	524	583	697	730
Sunflower	389	479	536	764	788
Tippah	445	483	536	698	869
Union	364	506	561	672	813
Warren	545	599	668	798	822
Wayne	406	435	536	700	737
Wilkinson	428	481	536	648	736
Yalobusha	440	453	536	718	899

MISSOURI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bates County, MO HMFA	357	420	548	769	795	Bates
Calloway County, MO HMFA	436	441	557	761	784	Callaway
Columbia, MO MSA	423	506	629	916	1021	Boone, Howard
Dallas County, MO HMFA	333	433	513	700	723	Dallas
Jefferson City, MO HMFA	393	433	562	796	885	Cole, Osage
Joplin, MO MSA	369	443	564	718	739	Jasper, Newton

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MISSOURI continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Kansas City, MO-KS HMFA	573	689	791	1070	1126	Caldwell, Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
McDonald County, MO HMFA	413	414	519	739	762	McDonald
Moniteau County, MO HMFA	337	393	519	627	837	Moniteau
Polk County, MO HMFA	339	396	520	758	869	Polk
Springfield, MO HMFA	399	471	602	858	980	Christian, Greene, Webster
St. Joseph, MO-KS MSA	370	457	569	716	850	Andrew, Buchanan, DeKalb
St. Louis, MO-IL HMFA	547	593	737	949	993	Sullivan city part of Crawford, Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city
Washington County, MO HMFA	392	457	513	675	753	Washington

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	370	429	566	743	821	Atchison	411	412	513	639	791
Audrain	425	426	513	647	822	Barry	334	422	513	669	692
Barton	333	421	513	621	682	Benton	333	397	513	712	738
Bollinger	375	422	554	708	819	Butler	424	425	513	711	760
Camden	468	475	584	851	875	Cape Girardeau	380	443	584	755	951
Carroll	446	447	565	709	791	Carter	425	426	513	713	766
Cedar	333	397	513	712	738	Chariton	446	447	565	709	791
Clark	378	389	513	635	748	Cooper	408	429	558	744	867
Crawford	334	423	513	683	900	Dade	392	413	543	695	750
Daviess	411	412	513	639	791	Dent	384	418	513	677	860
Douglas	379	425	513	679	786	Dunklin	398	432	513	656	732
Gasconade	364	396	513	642	817	Gentry	411	412	513	639	791
Grundy	411	412	513	639	791	Harrison	411	412	513	639	791
Henry	370	429	566	679	700	Hickory	333	397	513	712	738
Holt	411	412	513	639	791	Howell	353	405	513	636	900
Iron	375	422	554	708	819	Johnson	449	479	580	775	872
Knox	378	389	513	635	748	Laclede	421	422	513	671	880
Lawrence	425	426	513	698	805	Lewis	378	389	513	635	748
Linn	378	389	513	635	748	Livingston	403	404	513	685	897
Macon	415	416	513	614	660	Madison	375	422	554	708	819
Maries	384	418	513	677	860	Marion	337	392	517	673	692
Mercer	411	412	513	639	791	Miller	428	429	513	685	714
Mississippi	360	391	513	677	781	Monroe	337	393	519	667	686
Montgomery	337	393	519	667	686	Morgan	435	436	523	710	827
New Madrid	365	420	513	684	704	Nodaway	453	454	565	676	789
Oregon	379	425	513	679	786	Ozark	379	425	513	679	786
Pemiscot	334	392	513	645	664	Perry	381	414	543	651	955
Pettis	447	448	580	723	867	Phelps	380	409	513	709	874
Pike	333	389	513	672	734	Pulaski	440	475	528	767	840
Putnam	378	389	513	635	748	Ralls	337	393	519	667	686
Randolph	346	406	532	675	694	Reynolds	425	426	513	713	766

MISSOURI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ripley	425	426	513	713	766
Ste. Genevieve	375	422	554	708	819
Saline	340	398	524	680	798
Scotland	378	389	513	635	748
Shannon	379	425	513	679	786
Stoddard	398	413	513	699	756
Sullivan	378	389	513	635	748
Texas	405	427	513	706	814
Wayne	425	426	513	713	766
Wright	376	394	513	647	666
St. Clair	333	397	513	712	738
St. Francois	443	446	536	748	779
Schuyler	378	389	513	635	748
Scott	425	426	533	665	786
Shelby	378	389	513	635	748
Stone	378	441	582	763	840
Taney	486	487	615	734	934
Vernon	357	424	513	718	741
Worth	411	412	513	639	791

MONTANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	421	499	646	871	1049	Carbon, Yellowstone
Great Falls, MT MSA	384	462	592	800	964	Cascade
Missoula, MT MSA	497	572	722	936	1120	Missoula

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	464	541	711	920	1115
Blaine	381	455	577	769	878
Carter	469	486	577	778	827
Custer	376	522	577	840	869
Dawson	469	486	577	778	827
Fallon	469	486	577	778	827
Flathead	419	514	646	913	1120
Garfield	469	486	577	778	827
Golden Valley	469	486	577	778	827
Hill	375	462	577	832	883
Judith Basin	381	455	577	769	878
Lewis and Clark	447	511	638	926	956
Lincoln	401	492	615	851	954
Madison	464	541	711	920	1115
Mineral	497	563	706	905	1083
Park	442	516	678	811	1072
Phillips	469	486	577	778	827
Powder River	469	486	577	778	827
Prairie	469	486	577	778	827
Richland	469	486	577	778	827
Rosebud	429	445	577	712	759
Sheridan	469	486	577	778	827
Stillwater	469	486	577	778	827
Teton	381	455	577	769	878
Big Horn	430	448	577	715	762
Broadwater	414	475	604	817	877
Chouteau	381	455	577	769	878
Daniels	469	486	577	778	827
Deer Lodge	414	475	604	817	877
Fergus	421	439	577	699	744
Gallatin	473	563	732	977	1282
Glacier	381	455	577	769	878
Granite	414	475	604	817	877
Jefferson	414	475	604	817	877
Lake	493	495	600	809	871
Liberty	381	455	577	769	878
McCone	469	486	577	778	827
Meagher	464	541	711	920	1115
Musselshell	469	486	577	778	827
Petroleum	469	486	577	778	827
Pondera	381	455	577	769	878
Powell	414	475	604	817	877
Ravalli	471	513	659	863	1021
Roosevelt	469	486	577	778	827
Sanders	401	492	615	851	954
Silver Bow	417	448	577	754	825
Sweet Grass	469	486	577	778	827
Toole	381	455	577	769	878

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MONTANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Treasure	469	486	577	778	827	Valley	469	486	577	778	827
Wheatland	469	486	577	778	827	Wibaux	469	486	577	778	827

NEBRASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE HMFA	451	506	644	904	1095	Lancaster
Omaha-Council Bluffs, NE-IA HMFA	534	607	757	1011	1039	Cass, Douglas, Sarpy, Washington
Saunders County, NE HMFA	552	555	666	971	1000	Saunders
Seward County, NE HMFA	353	435	544	723	917	Seward
Sioux City, IA-NE-SD MSA	423	497	652	821	845	Dakota, Dixon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	378	442	581	735	756	Antelope	452	453	544	682	704
Arthur	411	474	544	718	740	Banner	407	413	544	706	846
Blaine	454	455	546	675	787	Boone	452	453	544	682	704
Box Butte	407	413	544	712	846	Boyd	407	413	544	706	846
Brown	407	413	544	706	846	Buffalo	409	479	630	857	996
Burt	452	453	544	682	704	Butler	452	453	544	690	723
Cedar	452	453	544	682	704	Chase	411	474	544	718	740
Cherry	407	413	544	706	846	Cheyenne	407	413	544	706	846
Clay	382	448	589	753	875	Colfax	452	453	544	682	704
Cuming	452	453	544	682	704	Custer	454	455	546	675	787
Dawes	352	415	544	652	810	Dawson	469	508	566	689	710
Deuel	407	413	544	706	846	Dodge	431	505	664	793	968
Dundy	411	474	544	718	740	Fillmore	452	453	544	690	723
Franklin	382	448	589	753	875	Frontier	411	474	544	718	740
Furnas	411	474	544	718	740	Gage	452	453	544	664	684
Garden	407	413	544	706	846	Garfield	454	455	546	675	787
Gosper	411	474	544	718	740	Grant	411	474	544	718	740
Greeley	454	455	546	675	787	Hall	459	460	577	721	933
Hamilton	454	455	546	675	787	Harlan	382	448	589	753	875
Hayes	411	474	544	718	740	Hitchcock	411	474	544	718	740
Holt	407	413	544	706	846	Hooker	411	474	544	718	740
Howard	454	455	546	675	787	Jefferson	452	453	544	690	723
Johnson	452	453	544	690	723	Kearney	382	448	589	753	875
Keith	411	474	544	718	740	Keya Paha	407	413	544	706	846
Kimball	407	413	544	706	846	Knox	452	453	544	682	704
Lincoln	396	446	568	696	877	Logan	411	474	544	718	740
Loup	454	455	546	675	787	McPherson	411	474	544	718	740
Madison	402	425	558	761	785	Merrick	454	455	546	675	787
Morrill	407	413	544	706	846	Nance	452	453	544	682	704
Nemaha	452	453	544	690	723	Nuckolls	382	448	589	753	875

NEBRASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Otoe	452	454	544	674	707	Pawnee	452	453	544	690	723
Perkins	411	474	544	718	740	Phelps	382	448	589	753	875
Pierce	452	453	544	682	704	Platte	453	454	544	794	817
Polk	452	453	544	690	723	Red Willow	376	490	544	792	816
Richardson	452	453	544	690	723	Rock	407	413	544	706	846
Saline	480	506	578	706	729	Scotts Bluff	452	453	544	693	914
Sheridan	407	413	544	706	846	Sherman	454	455	546	675	787
Sioux	407	413	544	706	846	Stanton	452	453	544	682	704
Thayer	452	453	544	690	723	Thomas	411	474	544	718	740
Thurston	452	453	544	682	704	Valley	454	455	546	675	787
Wayne	452	453	544	682	704	Webster	382	448	589	753	875
Wheeler	454	455	546	675	787	York	383	452	592	718	863

NEVADA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Carson City, NV MSA	599	721	869	1266	1527	Carson
Las Vegas-Paradise, NV MSA	731	861	1013	1408	1695	Clark
Reno-Sparks, NV MSA	655	782	967	1405	1698	Storey, Washoe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Churchill	646	648	814	1030	1210	Douglas	676	832	1011	1407	1560
Elko	583	634	822	1024	1318	Esmeralda	507	586	747	992	1097
Eureka	507	586	747	992	1097	Humboldt	512	600	787	942	970
Lander	507	586	747	992	1097	Lincoln	507	586	747	992	1097
Lyon	535	602	792	1154	1189	Mineral	507	586	747	992	1097
Nye	453	629	699	1018	1049	Pershing	507	586	747	992	1097
White Pine	507	586	747	992	1097						

NEW HAMPSHIRE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston-Cambridge-Quincy, MA-NH HMFA	1080	1146	1345	1609	1767	Rockingham County towns of Seabrook town, South Hampton town
Hillsborough County, NH (part) HMFA	737	748	982	1431	1724	Hillsborough County towns of Antrim town, Bennington town, Deering town, Francestown town, Greenfield town, Hancock town, Hillsborough town, Lyndeborough town, New Boston town, Peterborough town, Sharon town, Temple town, Windsor town
Lawrence, MA-NH HMFA	754	959	1160	1385	1428	Rockingham County towns of Atkinson town, Chester town, Danville town, Derry town, Fremont town, Hampstead town, Kingston town, Newton town, Plaistow town, Raymond town, Salem town, Sandown town, Windham town
Manchester, NH HMFA	710	871	1042	1245	1283	Hillsborough County towns of Bedford town, Goffstown town, Manchester city, Weare town

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NEW HAMPSHIRE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Nashua, NH HMFA	785	924	1155	1544	1653	Hillsborough County towns of Amherst town, Brookline town, Greenville town, Hollis town, Hudson town, Litchfield town, Mason town, Merrimack town, Milford town, Mont Vernon town, Nashua city, New Ipswich town, Pelham town, Wilton town
Portsmouth-Rochester, NH HMFA	686	811	1011	1335	1505	Rockingham County towns of Brentwood town, East Kingston town, Epping town, Exeter town, Greenland town, Hampton town, Hampton Falls town, Kensington town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, Stratham town Strafford County towns of Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Middleton town, Milton town, New Durham town, Rochester city, Rollinsford town, Somersworth city, Strafford town
Western Rockingham County, NH HMFA	892	893	1075	1421	1465	Rockingham County towns of Auburn town, Candia town, Deerfield town, Londonderry town, Northwood town, Nottingham town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Belknap County, NH	585	719	898	1185	1524	Alton town, Barnstead town, Belmont town, Center Harbor town, Gilford town, Gilmanton town, Laconia city, Meredith town, New Hampton town, Sanbornton town, Tilton town
Carroll County, NH	647	683	901	1225	1505	Albany town, Bartlett town, Brookfield town, Chatham town, Conway town, Eaton town, Effingham town, Freedom town, Hale's location, Hart's Location town, Jackson town, Madison town, Moultonborough town, Ossipee town, Sandwich town, Tamworth town, Tuftonboro town, Wakefield town, Wolfeboro town
Cheshire County, NH	716	765	959	1157	1408	Alstead town, Chesterfield town, Dublin town, Fitzwilliam town, Gilsum town, Harrisville town, Hinsdale town, Jaffrey town, Keene city, Marlborough town, Marlow town, Nelson town, Richmond town, Rindge town, Roxbury town, Stoddard town, Sullivan town, Surry town, Swanzey town, Troy town, Walpole town, Westmoreland town, Winchester town
Coos County, NH	421	550	646	906	1017	Atkinson and Gilmanton Academy grant, Beans grant, Beans purchase, Berlin city, Cambridge township, Carroll town, Chandlers purchase, Clarksville town, Colebrook town, Columbia town, Crawfords purchase, Cutts grant, Dalton town, Dixs grant, Dixville township, Dummer town, Errol town, Ervings location, Gorham town, Greens grant, Hadleys purchase, Jefferson town, Kilkenny township, Lancaster town, Low and Burbanks grant, Martins location, Milan town, Millsfield township, Northumberland town, Odell township, Pinkhams grant, Pittsburg town, Randolph town, Sargents purchase, Second College grant, Shelburne town, Stark town, Stewartstown town, Stratford town, Success township,

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NEW HAMPSHIRE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Thompson and Meserves purchase, Wentworth location, Whitefield town
Grafton County, NH	637	701	888	1194	1259	Alexandria town, Ashland town, Bath town, Benton town, Bethlehem town, Bridgewater town, Bristol town, Campton town, Canaan town, Dorchester town, Easton town, Ellsworth town, Enfield town, Franconia town, Grafton town, Groton town, Hanover town, Haverhill town, Hebron town, Holderness town, Landaff town, Lebanon city, Lincoln town, Lisbon town, Littleton town, Livermore town, Lyman town, Lyme town, Monroe town, Orange town, Orford town, Piermont town, Plymouth town, Rumney town, Sugar Hill town, Thornton town, Warren town, Waterville Valley town, Wentworth town, Woodstock town
Merrimack County, NH	639	755	986	1218	1561	Allenstown town, Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hooksett town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town
Sullivan County, NH	540	655	834	1130	1221	Acworth town, Charlestown town, Claremont city, Cornish town, Croydon town, Goshen town, Grantham town, Langdon town, Lempster town, Newport town, Plainfield town, Springfield town, Sunapee town, Unity town, Washington town

NEW JERSEY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic City-Hammonton, NJ MSA	813	895	1068	1354	1519	Atlantic
Bergen-Passaic, NJ HMFA	995	1114	1249	1543	1776	Bergen, Passaic
Jersey City, NJ HMFA	989	1045	1219	1477	1591	Hudson
Middlesex-Somerset-Hunterdon, NJ HMFA	1106	1147	1349	1693	1997	Hunterdon, Middlesex, Somerset
Monmouth Ocean, NJ HMFA	895	1034	1263	1646	1786	Monmouth, Ocean
Newark, NJ HMFA	869	1061	1213	1452	1606	Essex, Morris, Sussex, Union
Ocean City, NJ MSA	719	734	923	1209	1245	Cape May
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	736	842	1005	1203	1431	Burlington, Camden, Gloucester, Salem
Trenton-Ewing, NJ MSA	833	958	1152	1377	1545	Mercer
Vineland-Millville-Bridgeton, NJ MSA	779	782	985	1197	1261	Cumberland
Warren County, NJ HMFA	790	884	1034	1238	1274	Warren

NEW MEXICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Albuquerque, NM MSA	507	596	753	1096	1315	Bernalillo, Sandoval, Torrance, Valencia
Farmington, NM MSA	476	504	607	802	905	San Juan
Las Cruces, NM MSA	460	496	553	763	847	Dona Ana

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NEW MEXICO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Santa Fe, NM MSA	615	763	928	1215	1452	Santa Fe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Catron	372	419	502	731	754	Chaves	401	402	514	672	693
Cibola	418	451	502	729	792	Colfax	444	475	534	674	701
Curry	418	433	502	680	884	De Baca	417	430	502	677	824
Eddy	335	427	502	674	818	Grant	402	466	529	745	767
Guadalupe	492	498	593	745	777	Harding	417	430	502	677	824
Hidalgo	372	419	502	731	754	Lea	416	452	502	660	695
Lincoln	392	493	601	757	1056	Los Alamos	625	728	955	1146	1180
Luna	417	452	502	640	769	McKinley	396	465	612	731	947
Mora	492	498	593	745	777	Otero	384	454	502	734	884
Quay	417	430	502	677	824	Rio Arriba	448	456	539	697	774
Roosevelt	416	427	502	696	860	San Miguel	419	452	557	740	859
Sierra	325	405	502	733	883	Socorro	418	419	502	601	852
Taos	597	648	718	859	886	Union	417	430	502	677	824

NEW YORK

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	686	711	868	1039	1135	Albany, Rensselaer, Saratoga, Schenectady, Schoharie
Binghamton, NY MSA	580	583	697	910	1067	Broome, Tioga
Buffalo-Niagara Falls, NY MSA	601	602	723	894	988	Erie, Niagara
Elmira, NY MSA	635	636	764	982	1023	Chemung
Glens Falls, NY MSA	603	638	802	1012	1140	Warren, Washington
Ithaca, NY MSA	766	788	923	1117	1158	Tompkins
Kingston, NY MSA	742	805	964	1221	1517	Ulster
Nassau-Suffolk, NY HMFA	1159	1339	1581	2098	2286	Nassau, Suffolk
New York, NY HMFA	1091	1180	1313	1615	1817	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland
Poughkeepsie-Newburgh-Middletown, NY MSA	776	913	1117	1369	1459	Dutchess, Orange
Rochester, NY MSA	590	652	797	957	1014	Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	624	626	754	965	1045	Madison, Onondaga, Oswego
Utica-Rome, NY MSA	599	600	722	885	1005	Herkimer, Oneida
Westchester County, NY Statutory Exception Area	1161	1385	1610	1942	2394	Westchester

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allegany	553	555	665	829	1018	Cattaraugus	560	562	676	888	1019
Cayuga	601	602	722	961	1115	Chautauqua	567	570	683	881	962
Chenango	565	569	681	858	1196	Clinton	637	640	767	974	1266
Columbia	696	710	837	1011	1078	Cortland	607	609	743	944	1159
Delaware	572	575	689	852	1121	Essex	600	601	722	960	1044
Franklin	550	552	659	846	936	Fulton	471	575	727	870	924
Genesee	657	658	791	981	1110	Greene	601	649	791	1028	1120
Hamilton	606	607	729	908	1053	Jefferson	626	627	754	972	1021

NEW YORK continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Lewis	559	561	673	842	940
Otsego	592	606	712	946	984
Schuyler	609	612	734	978	1011
Steuben	594	596	716	919	1014
Wyoming	578	594	697	1015	1108
Montgomery	559	600	673	851	922
St. Lawrence	560	561	675	855	934
Seneca	645	646	775	1020	1290
Sullivan	614	680	873	1045	1224
Yates	593	600	713	923	951

NORTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anson County, NC HMFA	480	516	577	811	856	Anson
Asheville, NC HMFA	518	604	690	925	1212	Buncombe, Henderson, Madison
Burlington, NC MSA	615	637	742	1008	1038	Alamance
Charlotte-Gastonia-Concord, NC-SC HMFA	629	682	757	954	1110	Cabarrus, Gaston, Mecklenburg, Union
Durham, NC HMFA	538	738	827	1081	1165	Chatham, Durham, Orange
Fayetteville, NC HMFA	561	607	678	963	1139	Cumberland
Goldsboro, NC MSA	434	515	603	755	1009	Wayne
Greene County, NC HMFA	479	481	577	815	842	Greene
Greensboro-High Point, NC HMFA	549	627	699	886	947	Guilford, Randolph
Greenville, NC HMFA	500	519	640	887	916	Pitt
Haywood County, NC HMFA	506	508	633	820	1061	Haywood
Hickory-Lenoir-Morganton, NC MSA	508	534	614	788	917	Alexander, Burke, Caldwell, Catawba
Hoke County, NC HMFA	520	565	626	857	1045	Hoke
Jacksonville, NC MSA	514	550	618	868	1018	Onslow
Pender County, NC HMFA	514	517	621	817	840	Pender
Person County, NC HMFA	504	505	609	727	834	Person
Raleigh-Cary, NC MSA	638	715	795	999	1035	Franklin, Johnston, Wake
Rockingham County, NC HMFA	466	493	584	725	748	Rockingham
Rocky Mount, NC MSA	376	453	577	717	738	Edgecombe, Nash
Virginia Beach-Norfolk-Newport News, VA-NC MSA	749	781	904	1236	1490	Currituck
Wilmington, NC HMFA	590	652	787	1103	1134	Brunswick, New Hanover
Winston-Salem, NC MSA	505	575	666	908	1067	Davie, Forsyth, Stokes, Yadkin

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	429	504	577	757	780
Avery	443	547	647	774	914
Bertie	395	501	577	691	712
Camden	426	556	656	886	908
Caswell	483	484	592	723	755
Chowan	426	556	656	886	908
Cleveland	566	567	682	898	1009
Craven	482	549	630	849	1061
Davidson	495	496	598	779	890
Gates	426	556	656	886	908
Granville	531	532	640	799	950
Harnett	491	534	592	799	1040
Ashe	478	479	577	763	902
Beaufort	376	490	577	695	714
Bladen	375	455	577	841	908
Carteret	527	527	634	923	1112
Cherokee	375	486	577	838	1010
Clay	479	481	577	757	882
Columbus	404	520	577	691	711
Dare	653	654	802	1060	1091
Duplin	479	518	577	730	752
Graham	479	481	577	757	882
Halifax	376	521	577	734	842
Hertford	376	518	577	757	778

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 36

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hyde	426	556	656	886	908
Jackson	499	517	615	807	833
Lee	422	578	652	801	1144
Lincoln	402	556	618	747	768
Macon	438	476	613	745	1075
Mitchell	443	547	647	774	914
Moore	531	531	669	962	1173
Pamlico	386	490	577	726	747
Perquimans	426	556	656	886	908
Richmond	415	520	577	725	748
Rowan	547	593	658	939	1003
Sampson	479	489	577	801	1016
Stanly	449	484	592	806	877
Swain	479	481	577	757	882
Tyrrell	426	556	656	886	908
Warren	489	490	588	719	739
Watauga	480	586	737	896	1157
Wilson	544	545	661	791	839

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Iredell	580	585	700	928	1210
Jones	486	526	629	871	1107
Lenoir	437	439	577	690	990
McDowell	415	495	639	789	812
Martin	479	508	577	747	769
Montgomery	478	519	577	720	1013
Northampton	377	508	577	734	755
Pasquotank	422	545	648	941	969
Polk	534	535	657	821	847
Robeson	411	497	577	692	771
Rutherford	522	524	641	767	790
Scotland	477	478	606	736	917
Surry	431	519	577	771	793
Transylvania	478	665	736	929	980
Vance	478	479	577	691	713
Washington	402	542	618	742	761
Wilkes	422	484	577	740	771
Yancey	478	479	577	689	710

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	429	449	558	808	831	Burleigh, Morton
Fargo, ND-MN MSA	410	487	620	895	1034	Cass
Grand Forks, ND-MN MSA	398	500	613	777	1056	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	358	416	511	677	707
Benson	418	420	511	705	889
Bottineau	389	428	532	749	816
Burke	389	428	532	749	816
Dickey	418	420	511	705	889
Dunn	358	416	511	677	707
Emmons	389	428	532	749	816
Golden Valley	358	416	511	677	707
Griggs	418	420	511	705	889
Kidder	389	428	532	749	816
Logan	389	428	532	749	816
McIntosh	389	428	532	749	816
McLean	389	428	532	749	816
Mountrail	389	428	532	749	816
Oliver	358	416	511	677	707

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barnes	424	426	511	715	898
Billings	358	416	511	677	707
Bowman	358	416	511	677	707
Cavalier	418	420	511	705	889
Divide	358	416	511	677	707
Eddy	418	420	511	705	889
Foster	418	420	511	705	889
Grant	358	416	511	677	707
Hettinger	358	416	511	677	707
LaMoure	418	420	511	705	889
McHenry	389	428	532	749	816
McKenzie	358	416	511	677	707
Mercer	358	416	511	677	707
Nelson	396	492	587	794	882
Pembina	396	492	587	794	882

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pierce	389	428	532	749	816
Ransom	418	420	511	705	889
Richland	346	416	527	685	812
Sargent	418	420	511	705	889
Sioux	358	416	511	677	707
Stark	363	442	511	744	898
Stutsman	425	427	511	708	898
Traill	396	492	587	794	882
Ward	334	415	511	706	838
Williams	333	406	511	673	713

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ramsey	379	390	513	639	808
Renville	389	428	532	749	816
Rolette	389	428	532	749	816
Sheridan	389	428	532	749	816
Slope	358	416	511	677	707
Steele	396	492	587	794	882
Towner	418	420	511	705	889
Walsh	396	492	587	794	882
Wells	418	420	511	705	889

OHIO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH MSA	504	589	754	959	988	Portage, Summit
Brown County, OH HMFA	437	458	604	779	939	Brown
Canton-Massillon, OH MSA	454	504	636	803	851	Carroll, Stark
Cincinnati-Middleton, OH-KY-IN HMFA	478	566	733	981	1019	Butler, Clermont, Hamilton, Warren
Cleveland-Elyria-Mentor, OH MSA	496	576	694	890	945	Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH HMFA	503	585	740	931	1012	Delaware, Fairfield, Franklin, Licking, Madison, Morrow, Pickaway
Dayton, OH HMFA	488	558	687	925	1103	Greene, Miami, Montgomery
Huntington-Ashland, WV-KY-OH MSA	410	485	582	718	741	Lawrence
Lima, OH MSA	474	480	594	732	752	Allen
Mansfield, OH MSA	390	476	600	779	810	Richland
Parkersburg-Marietta-Vienna, WV-OH MSA	422	451	578	768	828	Washington
Preble County, OH HMFA	512	528	641	830	860	Preble
Sandusky, OH MSA	428	515	658	859	903	Erie
Springfield, OH MSA	477	531	639	826	1061	Clark
Toledo, OH MSA	476	530	656	846	922	Fulton, Lucas, Ottawa, Wood
Union County, OH HMFA	622	624	749	897	924	Union
Weirton-Steubenville, WV-OH MSA	382	468	577	721	782	Jefferson
Wheeling, WV-OH MSA	375	452	577	725	846	Belmont
Youngstown-Warren-Boardman, OH HMFA	433	486	588	740	799	Mahoning, Trumbull

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	469	487	577	765	807
Ashtabula	420	494	629	799	932
Auglaize	425	456	598	777	798
Clinton	449	555	615	896	1052
Coshocton	402	484	577	746	851
Darke	374	479	577	768	790
Fayette	464	534	652	785	1047
Guernsey	406	501	577	762	784
Hardin	479	520	577	723	947
Henry	396	485	587	755	778

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashland	410	488	632	815	839
Athens	481	522	579	745	775
Champaign	404	493	622	767	825
Columbiana	463	489	590	730	887
Crawford	477	484	577	743	814
Defiance	437	501	608	767	934
Gallia	392	520	577	734	964
Hancock	434	507	657	894	949
Harrison	385	459	577	739	760
Highland	479	480	577	777	803

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OHIO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hocking	374	520	577	823	847
Huron	425	514	628	871	959
Knox	510	514	617	790	905
Marion	419	528	645	818	995
Mercer	377	489	577	777	801
Morgan	479	481	577	709	792
Noble	479	481	577	709	792
Perry	479	480	577	722	743
Putnam	405	449	591	733	765
Sandusky	514	526	619	769	841
Seneca	427	448	579	727	749
Tuscarawas	388	453	598	757	780
Vinton	421	520	577	790	983
Williams	479	485	602	797	881

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Holmes	479	481	577	761	807
Jackson	489	492	589	706	728
Logan	527	532	633	796	822
Meigs	479	520	577	790	814
Monroe	479	481	577	709	792
Muskingum	467	479	577	739	932
Paulding	424	464	577	753	776
Pike	376	484	579	694	721
Ross	436	494	577	713	819
Scioto	462	483	577	758	906
Shelby	482	493	641	800	886
Van Wert	375	449	577	702	725
Wayne	431	536	660	789	863
Wyandot	479	481	577	791	815

OKLAHOMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fort Smith, AR-OK HMFA	392	445	554	738	804	Sequoyah
Grady County, OK HMFA	399	445	554	750	861	Grady
Lawton, OK MSA	448	483	608	888	1068	Comanche
Le Flore County, OK HMFA	375	437	554	685	839	Le Flore
Lincoln County, OK HMFA	458	460	554	730	753	Lincoln
Oklahoma City, OK HMFA	517	565	686	926	993	Canadian, Cleveland, Logan, McClain, Oklahoma
Okmulgee County, OK HMFA	374	420	554	752	798	Okmulgee
Pawnee County, OK HMFA	463	476	554	718	739	Pawnee
Tulsa, OK HMFA	532	578	707	934	964	Creek, Osage, Rogers, Tulsa, Wagoner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	462	464	554	661	681
Atoka	401	449	554	720	840
Beckham	461	499	554	725	972
Bryan	450	452	554	716	853
Carter	488	521	589	733	785
Choctaw	458	496	554	786	809
Coal	401	449	554	720	840
Craig	374	437	575	689	1011
Delaware	398	448	554	744	767
Ellis	461	477	554	752	776
Garvin	358	419	554	728	888
Greer	429	445	554	745	780
Harper	461	477	554	752	776
Hughes	447	510	608	775	796
Jefferson	421	455	574	831	972

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	461	477	554	752	776
Beaver	461	477	554	752	776
Blaine	461	477	554	752	776
Caddo	381	422	554	663	829
Cherokee	448	482	558	701	806
Cimarron	461	477	554	752	776
Cotton	421	455	574	831	972
Custer	428	429	554	792	816
Dewey	461	477	554	752	776
Garfield	455	479	576	798	821
Grant	461	477	554	752	776
Harmon	429	445	554	745	780
Haskell	360	433	554	697	765
Jackson	381	495	555	779	803
Johnston	401	449	554	720	840

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OKLAHOMA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Kay	376	465	578	798	825
Kiowa	429	445	554	745	780
Love	401	449	554	720	840
McIntosh	410	464	555	694	788
Marshall	401	449	554	720	840
Murray	461	463	554	745	953
Noble	404	470	565	785	809
Okfuskee	447	510	608	775	796
Payne	490	561	688	974	1003
Pontotoc	389	435	554	755	779
Pushmataha	360	433	554	697	765
Seminole	360	444	554	665	685
Texas	431	516	582	736	881
Washington	458	459	559	783	861
Woods	411	440	554	806	830

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Kingfisher	461	477	554	778	801
Latimer	360	433	554	697	765
McCurtain	360	419	554	719	742
Major	461	477	554	752	776
Mayes	360	499	554	694	793
Muskogee	419	493	585	740	817
Nowata	422	447	554	738	834
Ottawa	463	464	554	755	779
Pittsburg	378	442	582	733	893
Pottawatomie	481	547	608	770	894
Roger Mills	429	445	554	745	780
Stephens	363	420	554	757	781
Tillman	421	455	574	831	972
Washita	429	445	554	745	780
Woodward	384	449	554	691	712

OREGON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bend, OR MSA	539	627	747	1088	1122	Deschutes
Corvallis, OR MSA	506	613	764	1110	1277	Benton
Eugene-Springfield, OR MSA	500	607	768	1074	1196	Lane
Medford, OR MSA	499	593	745	1084	1116	Jackson
Portland-Vancouver-Beaverton, OR-WA MSA	604	700	809	1178	1415	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR MSA	508	564	675	981	1183	Marion, Polk

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baker	395	460	607	883	909
Coos	432	523	663	880	1013
Curry	487	560	661	966	1165
Gilliam	457	535	646	875	1024
Harney	408	475	598	826	879
Jefferson	507	540	612	890	1002
Klamath	407	477	608	851	945
Lincoln	507	579	738	1023	1155
Malheur	433	493	601	869	894
Sherman	457	535	646	875	1024
Umatilla	425	484	619	869	969
Wallowa	402	468	618	884	950
Wheeler	457	535	646	875	1024

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clatsop	446	554	685	991	1022
Crook	424	546	653	884	1034
Douglas	421	501	647	877	1086
Grant	457	535	646	875	1024
Hood River	459	568	707	1006	1038
Josephine	492	563	681	968	1075
Lake	408	475	598	826	879
Linn	485	588	733	1011	1251
Morrow	457	535	646	875	1024
Tillamook	469	561	721	1008	1038
Union	405	471	622	907	934
Wasco	470	527	656	932	1154

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PENNSYLVANIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA HMFA	592	721	853	1104	1168	Carbon, Lehigh, Northampton
Altoona, PA MSA	450	493	596	781	806	Blair
Armstrong County, PA HMFA	467	507	561	718	942	Armstrong
Erie, PA MSA	445	502	648	775	881	Erie
Harrisburg-Carlisle, PA MSA	531	607	764	964	999	Cumberland, Dauphin, Perry
Johnstown, PA MSA	449	457	561	706	809	Cambria
Lancaster, PA MSA	527	626	771	978	1028	Lancaster
Lebanon, PA MSA	429	512	660	896	923	Lebanon
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	736	842	1005	1203	1431	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pike County, PA HMFA	786	817	947	1282	1570	Pike
Pittsburgh, PA HMFA	541	594	710	883	953	Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland
Reading, PA MSA	532	594	733	980	1011	Berks
Scranton--Wilkes-Barre, PA MSA	443	529	635	805	850	Lackawanna, Luzerne, Wyoming
Sharon, PA HMFA	459	480	585	717	787	Mercer
State College, PA MSA	616	687	809	967	997	Centre
Williamsport, PA MSA	436	500	603	792	814	Lycoming
York-Hanover, PA MSA	502	577	732	884	916	York

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	526	575	688	926	1027	Bedford	427	485	561	670	890
Bradford	365	489	561	702	859	Cameron	469	486	563	747	803
Clarion	466	507	561	716	748	Clearfield	427	472	561	804	949
Clinton	507	508	612	733	753	Columbia	452	496	604	773	916
Crawford	447	495	561	744	850	Elk	467	488	561	727	879
Forest	467	496	561	727	748	Franklin	436	496	626	824	1010
Fulton	374	477	561	692	809	Greene	466	496	561	670	690
Huntingdon	365	452	561	725	746	Indiana	499	519	600	716	784
Jefferson	381	472	561	743	766	Juniata	432	468	563	765	789
Lawrence	408	532	626	749	879	McKean	471	495	565	757	814
Mifflin	395	457	561	728	912	Monroe	574	707	884	1129	1263
Montour	501	575	662	792	817	Northumberland	385	503	561	695	720
Potter	466	506	561	743	765	Schuylkill	374	488	561	701	770
Snyder	390	512	602	753	813	Somerset	466	466	561	689	729
Sullivan	370	496	569	713	849	Susquehanna	456	496	581	698	770
Tioga	481	528	587	771	824	Union	538	561	648	851	916
Venango	431	471	561	709	804	Warren	365	468	561	728	771
Wayne	545	548	688	859	969						

RHODE ISLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Newport-Middleton-Portsmouth, RI HMFA	806	983	1215	1650	2132	Newport County towns of Middletown town, Newport city, Portsmouth town
Providence-Fall River, RI-MA HMFA	746	830	956	1142	1409	Bristol County towns of Barrington town, Bristol town, Warren town

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RHODE ISLAND continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kent County towns of Coventry town, East Greenwich town, Warwick city, West Greenwich town, West Warwick town Newport County towns of Jamestown town, Little Compton town, Tiverton town Providence County towns of Burrillville town, Central Falls city, Cranston city, Cumberland town, East Providence city, Foster town, Glocester town, Johnston town, Lincoln town, North Providence town, North Smithfield town, Pawtucket city, Providence city, Scituate town, Smithfield town, Woonsocket city Washington County towns of Charlestown town, Exeter town, Narragansett town, North Kingstown town, Richmond town, South Kingstown town
Westerly-Hopkinton-New Shoreham, RI HMFA.....	683	859	1005	1201	1568	Washington County towns of Hopkinton town, New Shoreham town, Westerly town

SOUTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, SC MSA.....	415	539	612	775	797	Anderson
Augusta-Richmond County, GA-SC MSA.....	530	575	646	865	910	Aiken, Edgefield
Charleston-North Charleston-Summerville, SC MSA...	628	696	787	1025	1194	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Concord, NC-SC HMFA.....	629	682	757	954	1110	York
Columbia, SC HMFA.....	585	637	710	877	905	Calhoun, Fairfield, Lexington, Richland, Saluda
Darlington County, SC HMFA.....	358	458	551	662	713	Darlington
Florence, SC HMFA.....	428	481	557	668	839	Florence
Greenville-Mauldin-Easley, SC MSA.....	543	590	656	866	890	Greenville, Pickens
Kershaw County, SC HMFA.....	375	472	580	729	846	Kershaw
Laurens County, SC HMFA.....	490	533	590	746	870	Laurens
Myrtle Beach-North Myrtle Beach-Conway, SC MSA....	612	673	786	939	1138	Horry
Spartanburg, SC MSA.....	532	550	642	808	831	Spartanburg
Sumter, SC MSA.....	475	517	572	735	778	Sumter

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Abbeville.....	357	496	551	669	689	Allendale.....	458	496	551	684	884
Bamberg.....	457	459	551	735	757	Barnwell.....	456	480	551	663	858
Beaufort.....	649	781	883	1076	1143	Cherokee.....	452	453	552	661	701
Chester.....	473	474	568	679	721	Chesterfield.....	390	485	551	658	967
Clarendon.....	479	481	577	691	788	Colleton.....	358	446	551	779	800
Dillon.....	457	466	551	689	757	Georgetown.....	540	541	652	844	1020
Greenwood.....	485	507	583	846	872	Hampton.....	458	466	551	679	771
Jasper.....	506	550	612	730	828	Lancaster.....	373	471	551	758	834
Lee.....	376	461	551	678	849	McCormick.....	463	485	557	770	795
Marion.....	455	456	551	669	687	Marlboro.....	457	458	551	695	824
Newberry.....	456	496	551	700	862	Oconee.....	362	424	556	689	979
Orangeburg.....	458	496	551	684	848	Union.....	458	459	551	761	855

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SOUTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Williamsburg	479	481	577	691	788

SOUTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Meade County, SD HMFA	349	417	539	784	875	Meade
Rapid City, SD HMFA	492	573	722	956	983	Pennington
Sioux City, IA-NE-SD MSA	423	497	652	821	845	Union
Sioux Falls, SD MSA	501	527	673	879	972	Lincoln, McCook, Minnehaha, Turner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aurora	345	402	529	678	724
Bennett	399	415	529	708	787
Brookings	344	432	531	749	933
Brule	345	402	529	678	724
Butte	399	415	529	708	787
Charles Mix	345	402	529	678	724
Clay	403	428	563	776	988
Corson	399	415	529	708	787
Davison	363	427	560	718	772
Deuel	354	412	529	715	844
Douglas	345	402	529	678	724
Fall River	391	408	536	695	773
Grant	354	412	529	715	844
Haakon	399	415	529	708	787
Hand	385	403	529	698	830
Harding	399	415	529	708	787
Hutchinson	345	402	529	678	724
Jackson	399	415	529	708	787
Jones	399	415	529	708	787
Lake	354	412	529	715	844
Lyman	345	402	529	678	724
Marshall	385	403	529	698	830
Miner	354	412	529	715	844
Perkins	399	415	529	708	787
Roberts	385	403	529	698	830
Shannon	399	415	529	708	787
Stanley	345	402	529	678	724
Todd	399	415	529	708	787
Walworth	385	403	529	698	830
Ziebach	399	415	529	708	787

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beadle	440	441	529	770	873
Bon Homme	345	402	529	678	724
Brown	387	414	546	693	823
Buffalo	345	402	529	678	724
Campbell	385	403	529	698	830
Clark	354	412	529	715	844
Codington	391	456	600	775	886
Custer	399	415	529	708	787
Day	385	403	529	698	830
Dewey	399	415	529	708	787
Edmunds	385	403	529	698	830
Faulk	385	403	529	698	830
Gregory	345	402	529	678	724
Hamlin	354	412	529	715	844
Hanson	345	402	529	678	724
Hughes	352	441	545	683	705
Hyde	345	402	529	678	724
Jerauld	385	403	529	698	830
Kingsbury	354	412	529	715	844
Lawrence	374	454	559	779	831
McPherson	385	403	529	698	830
Mellette	399	415	529	708	787
Moody	354	412	529	715	844
Potter	399	415	529	708	787
Sanborn	345	402	529	678	724
Spink	385	403	529	698	830
Sully	345	402	529	678	724
Tripp	345	402	529	678	724
Yankton	371	440	572	750	770

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TENNESSEE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	535	565	666	820	964	Hamilton, Marion, Sequatchie
Clarksville, TN-KY HMFA	537	559	649	938	966	Montgomery
Cleveland, TN MSA	457	466	601	754	959	Bradley, Polk
Hickman County, TN HMFA	354	492	546	796	821	Hickman
Jackson, TN MSA	492	537	678	908	932	Chester, Madison
Johnson City, TN MSA	380	460	570	708	882	Carter, Unicoi, Washington
Kingsport-Bristol-Bristol, TN-VA MSA	417	448	557	746	892	Hawkins, Sullivan
Knoxville, TN MSA	482	554	667	894	922	Anderson, Blount, Knox, Loudon, Union
Macon County, TN HMFA	342	416	526	626	696	Macon
Memphis, TN-MS-AR HMFA	618	671	746	994	1025	Fayette, Shelby, Tipton
Morristown, TN MSA	447	449	539	707	797	Grainger, Hamblen, Jefferson
Nashville-Davidson--Murfreesboro--Franklin, TN MSA	580	662	761	987	1016	Cannon, Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Trousdale, Williamson, Wilson
Smith County, TN HMFA	455	456	546	728	752	Smith
Stewart County, TN HMFA	348	454	536	731	754	Stewart

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bedford	427	523	657	823	847	Benton	412	413	522	645	708
Bledsoe	341	428	522	685	706	Campbell	433	435	522	672	800
Carroll	432	433	522	644	719	Claiborne	339	433	522	698	783
Clay	422	423	522	678	697	Cocke	340	420	522	625	852
Coffee	468	469	563	763	834	Crockett	434	471	522	681	703
Cumberland	432	433	522	740	916	Decatur	390	429	522	671	764
DeKalb	433	435	522	753	778	Dyer	353	415	544	725	792
Fentress	422	423	522	678	697	Franklin	359	431	554	806	970
Gibson	428	437	522	656	725	Giles	368	433	571	687	707
Greene	339	427	522	707	727	Grundy	341	428	522	685	706
Hancock	433	434	522	668	804	Hardeman	377	468	522	707	916
Hardin	382	426	522	692	713	Haywood	439	455	595	711	781
Henderson	366	485	566	675	696	Henry	341	400	526	629	766
Houston	412	413	522	645	708	Humphreys	434	470	522	744	768
Jackson	422	423	522	678	697	Johnson	338	421	522	700	734
Lake	388	434	522	678	718	Lauderdale	459	460	554	673	695
Lawrence	359	403	522	646	737	Lewis	350	407	525	669	689
Lincoln	433	434	522	638	657	McMinn	460	462	555	664	885
McNairy	339	399	522	754	776	Marshall	421	448	587	706	886
Maury	451	563	694	883	910	Meigs	341	428	522	685	706
Monroe	413	414	525	628	801	Moore	459	460	550	726	749
Morgan	431	432	522	653	761	Obion	358	432	522	689	726
Overton	340	428	522	638	656	Perry	350	407	525	669	689
Pickett	422	423	522	678	697	Putnam	435	436	544	783	840
Rhea	338	418	522	693	713	Roane	459	474	550	735	755
Scott	433	442	522	691	919	Sevier	524	568	640	770	1124
Van Buren	422	423	522	678	697	Warren	423	428	551	738	878

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TENNESSEE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wayne	350	407	525	669	689
White	391	397	522	738	758
Weakley	379	466	522	764	920

TEXAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	474	499	629	819	1036	Callahan, Jones, Taylor
Amarillo, TX MSA	484	525	655	903	1011	Armstrong, Carson, Potter, Randall
Aransas County, TX HMFA	433	537	639	932	960	Aransas
Atascosa County, TX HMFA	376	437	577	729	750	Atascosa
Austin County, TX HMFA	558	559	673	893	921	Austin
Austin-Round Rock, TX MSA	658	749	912	1228	1398	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	504	565	676	838	869	Hardin, Jefferson, Orange
Brazoria County, TX HMFA	547	610	701	967	1038	Brazoria
Brownsville-Harlingen, TX MSA	443	512	586	724	819	Cameron
Calhoun County, TX HMFA	410	485	622	784	1049	Calhoun
College Station-Bryan, TX MSA	591	668	816	1034	1066	Brazos, Burleson, Robertson
Corpus Christi, TX HMFA	624	642	796	1093	1191	Nueces, San Patricio
*Dallas, TX HMFA	670	746	905	1201	1455	Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	466	499	595	853	1012	El Paso
Fort Worth-Arlington, TX HMFA	648	689	838	1120	1240	Johnson, Parker, Tarrant
*Houston-Baytown-Sugar Land, TX HMFA	642	714	866	1154	1451	Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, Waller
Kendall County, TX HMFA	739	740	890	1296	1563	Kendall
Killeen-Temple-Fort Hood, TX HMFA	517	571	726	1056	1273	Bell, Coryell
Lampasas County, TX HMFA	375	478	577	842	986	Lampasas
Laredo, TX MSA	498	546	653	853	1118	Webb
Longview, TX HMFA	529	556	638	873	898	Gregg, Upshur
Lubbock, TX MSA	458	558	705	998	1030	Crosby, Lubbock
McAllen-Edinburg-Mission, TX MSA	493	542	639	766	881	Hidalgo
Medina County, TX HMFA	509	566	666	797	969	Medina
Midland, TX MSA	557	603	793	1155	1369	Midland
Odessa, TX MSA	506	536	703	1013	1177	Ector
Rusk County, TX HMFA	493	495	593	710	731	Rusk
San Angelo, TX MSA	449	518	660	944	1032	Irion, Tom Green
San Antonio, TX HMFA	577	642	792	1022	1241	Bandera, Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	582	613	720	946	1094	Grayson
Texarkana, TX-Texarkana, AR MSA	492	497	612	747	812	Bowie
Tyler, TX MSA	528	621	699	958	1046	Smith
Victoria, TX HMFA	474	546	699	870	1030	Goliad, Victoria
Waco, TX MSA	577	578	719	900	930	McLennan
Wichita Falls, TX MSA	521	548	652	915	942	Archer, Clay, Wichita
Wise County, TX HMFA	523	524	630	769	856	Wise

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	514	539	621	817	1072
Angelina	492	561	627	811	837
Baylor	391	464	577	735	872
Andrews	478	492	577	773	863
Bailey	445	496	577	751	951
Bee	480	481	577	775	868

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TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Blanco	458	492	622	817	935
Bosque	479	480	577	701	840
Briscoe	470	473	577	769	793
Brown	458	498	628	798	916
Camp	482	484	594	811	836
Castro	470	473	577	769	793
Childress	470	473	577	769	793
Coke	450	518	659	948	1033
Collingsworth	470	473	577	769	793
Comanche	467	501	593	755	824
Cooke	530	531	670	827	852
Crane	478	507	577	749	889
Culberson	478	507	577	749	889
Dawson	477	478	577	744	769
DeWitt	427	443	577	754	815
Dimmit	473	475	577	785	931
Duval	398	500	577	769	818
Edwards	473	475	577	785	931
Falls	380	518	583	744	772
Fayette	476	540	654	812	836
Floyd	445	496	577	751	951
Franklin	433	497	600	735	884
Frio	463	568	691	875	1041
Garza	445	496	577	751	951
Glasscock	477	478	577	744	769
Gray	446	447	577	724	747
Hale	388	490	577	707	789
Hamilton	458	492	622	817	935
Hardeman	391	464	577	735	872
Hartley	470	473	577	769	793
Hemphill	470	473	577	769	793
Hill	376	520	577	817	891
Hood	574	622	692	914	1214
Houston	555	596	668	800	866
Hudspeth	478	507	577	749	889
Jack	391	464	577	735	872
Jasper	479	481	577	714	825
Jim Hogg	479	515	577	825	918
Karnes	428	441	577	755	817
Kent	445	447	577	825	896
Kimble	477	478	577	744	769
Kinney	473	475	577	785	931

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Borden	477	478	577	744	769
Brewster	420	439	577	690	748
Brooks	479	515	577	825	918
Burnet	468	548	720	906	932
Cass	376	519	577	792	933
Cherokee	469	514	577	771	803
Cochran	445	496	577	751	951
Coleman	458	492	622	817	935
Colorado	461	509	577	762	784
Concho	477	478	577	744	769
Cottle	391	464	577	735	872
Crockett	477	478	577	744	769
Dallam	430	471	622	743	763
Deaf Smith	375	478	577	838	955
Dickens	445	496	577	751	951
Donley	470	473	577	769	793
Eastland	467	501	593	755	824
Erath	465	504	629	767	791
Fannin	501	504	601	749	772
Fisher	445	447	577	825	896
Foard	391	464	577	735	872
Freestone	380	518	583	762	785
Gaines	479	511	577	749	897
Gillespie	487	569	748	1036	1067
Gonzales	395	451	577	839	864
Grimes	511	561	625	814	838
Hall	470	473	577	769	793
Hansford	470	473	577	769	793
Harrison	461	465	612	791	814
Haskell	445	447	577	825	896
Henderson	463	479	630	826	852
Hockley	449	478	577	801	826
Hopkins	430	496	606	768	1064
Howard	478	482	577	810	833
Hutchinson	481	482	578	692	860
Jackson	376	486	577	703	1015
Jeff Davis	478	507	577	749	889
Jim Wells	386	519	577	767	791
Kenedy	479	515	577	825	918
Kerr	579	627	705	909	938
King	445	496	577	751	951
Kleberg	493	528	593	866	1044

SCHEDULE B FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 46

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Knox	391	464	577	735	872
Lamb	445	496	577	751	951
Lavaca	461	509	577	762	784
Leon	511	561	625	814	838
Lipscomb	470	473	577	769	793
Llano	595	599	788	942	971
Lynn	445	496	577	751	951
McMullen	398	500	577	769	818
Marion	482	484	594	811	836
Mason	477	478	577	744	769
Maverick	481	482	577	838	864
Milam	376	464	577	747	793
Mitchell	445	447	577	825	896
Moore	407	501	577	840	865
Motley	445	496	577	751	951
Navarro	538	548	662	804	830
Nolan	448	449	577	744	1011
Oldham	470	473	577	769	793
Panola	480	520	577	702	1013
Pecos	476	520	577	699	847
Presidio	478	507	577	749	889
Reagan	477	478	577	744	769
Red River	433	497	600	735	884
Refugio	398	500	577	769	818
Runnels	477	478	577	744	769
San Augustine	478	479	577	750	1011
Schleicher	477	478	577	744	769
Shackelford	445	447	577	825	896
Sherman	470	473	577	769	793
Starr	479	522	577	841	1017
Sterling	477	478	577	744	769
Sutton	477	478	577	744	769
Terrell	478	507	577	749	889
Throckmorton	445	447	577	825	896
Trinity	555	596	668	800	866
Upton	477	478	577	744	769
Val Verde	410	490	579	720	839
Walker	570	609	737	949	1228
Washington	546	621	688	965	996
Wheeler	470	473	577	769	793
Willacy	479	520	577	840	935
Wood	433	437	577	841	1011

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Lamar	432	501	628	791	884
La Salle	473	475	577	785	931
Lee	462	525	583	798	823
Limestone	376	522	577	739	765
Live Oak	398	500	577	769	818
Loving	478	507	577	749	889
McCulloch	479	481	577	840	867
Madison	511	561	625	814	838
Martin	477	478	577	744	769
Matagorda	376	493	577	841	1014
Menard	477	478	577	744	769
Mills	458	492	622	817	935
Montague	436	557	621	784	1089
Morris	433	497	600	735	884
Nacogdoches	466	584	689	823	1127
Newton	478	479	577	750	1011
Ochiltree	470	473	577	806	830
Palo Pinto	488	489	606	837	861
Parmer	470	473	577	769	793
Polk	479	486	577	691	711
Rains	484	486	604	814	839
Real	473	475	577	785	931
Reeves	479	511	577	740	897
Roberts	470	473	577	769	793
Sabine	478	479	577	750	1011
San Saba	458	492	622	817	935
Scurry	381	451	577	840	922
Shelby	479	481	577	829	1011
Somervell	467	501	593	757	824
Stephens	429	439	577	795	863
Stonewall	445	447	577	825	896
Swisher	470	473	577	769	793
Terry	444	494	577	758	949
Titus	451	534	634	762	1113
Tyler	479	480	577	743	962
Uvalde	376	512	577	752	1011
Van Zandt	509	511	625	874	899
Ward	479	485	577	719	853
Wharton	463	520	577	763	786
Wilbarger	374	447	577	741	826
Winkler	478	507	577	749	889
Yoakum	445	496	577	751	951

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 47

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Young	376	438	577	732	852
Zavala	473	475	577	785	931
Zapata	479	515	577	825	918

UTAH

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Logan, UT-ID MSA	471	508	635	852	1052	Cache
Ogden-Clearfield, UT MSA	484	582	717	986	1166	Davis, Morgan, Weber
Provo-Orem, UT MSA	521	574	670	975	1175	Juab, Utah
Salt Lake City, UT HMFA	612	665	802	1128	1314	Salt Lake
St. George, UT MSA	536	562	667	970	1091	Washington
Summit County, UT HMFA	658	914	1016	1422	1782	Summit
Tooele County, UT HMFA	509	570	678	857	1188	Tooele

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaver	512	514	628	889	946
Carbon	479	480	577	758	890
Duchesne	638	694	769	993	1351
Garfield	512	514	628	889	946
Iron	475	501	577	841	1014
Millard	512	514	628	889	946
Rich	477	507	634	852	1034
Sanpete	512	514	628	889	946
Uintah	550	598	663	871	979
Wayne	512	514	628	889	946
Box Elder	399	488	615	813	946
Daggett	479	520	577	748	1014
Emery	479	520	577	748	1014
Grand	478	520	577	744	1013
Kane	512	514	628	889	945
Piute	512	514	628	889	946
San Juan	479	520	577	748	1014
Sevier	512	514	628	889	946
Wasatch	530	619	816	975	1171

VERMONT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington-South Burlington, VT MSA	798	883	1108	1418	1590	Chittenden County towns of Bolton town, Buels gore, Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Huntington town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Underhill town, Westford town, Williston town, Winooski city Franklin County towns of Bakersfield town, Berkshire town, Enosburg town, Fairfax town, Fairfield town, Fletcher town, Franklin town, Georgia town, Highgate town, Montgomery town, Richford town, St. Albans city, St. Albans town, Sheldon town, Swanton town Grand Isle County towns of Alburg town, Grand Isle town, Isle La Motte town, North Hero town, South Hero town

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 48

VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Addison County, VT	575	720	866	1139	1519	Addison town, Bridport town, Bristol town, Cornwall town, Ferrisburg town, Goshen town, Granville town, Hancock town, Leicester town, Lincoln town, Middlebury town, Monkton town, New Haven town, Orwell town, Panton town, Ripton town, Salisbury town, Shoreham town, Starksboro town, Vergennes city, Waltham town, Weybridge town, Whiting town
Bennington County, VT	574	719	837	1091	1281	Arlington town, Bennington town, Dorset town, Glastenbury town, Landgrove town, Manchester town, Peru town, Pownal town, Readsboro town, Rupert town, Sandgate town, Searsburg town, Shaftsbury town, Stamford town, Sunderland town, Winhall town, Woodford town
Caledonia County, VT	542	563	707	895	927	Barnet town, Burke town, Danville town, Groton town, Hardwick town, Kirby town, Lyndon town, Newark town, Peacham town, Ryegate town, St. Johnsbury town, Sheffield town, Stannard town, Sutton town, Walden town, Waterford town, Wheelock town
Essex County, VT	560	629	764	974	1142	Averill town, Avery's gore, Bloomfield town, Brighton town, Brunswick town, Canaan town, Concord town, East Haven town, Ferdinand town, Granby town, Guildhall town, Lemington town, Lewis town, Lunenburg town, Maidstone town, Norton town, Victory town, Warner's grant, Warren's gore
Lamoille County, VT	566	680	792	1103	1391	Belvidere town, Cambridge town, Eden town, Elmore town, Hyde Park town, Johnson town, Morristown town, Stowe town, Waterville town, Wolcott town
Orange County, VT	604	683	795	1107	1141	Bradford town, Braintree town, Brookfield town, Chelsea town, Corinth town, Fairlee town, Newbury town, Orange town, Randolph town, Strafford town, Thetford town, Topsham town, Tunbridge town, Vershire town, Washington town, West Fairlee town, Williamstown town
Orleans County, VT	408	564	630	796	1000	Albany town, Barton town, Brownington town, Charleston town, Coventry town, Craftsbury town, Derby town, Glover town, Greensboro town, Holland town, Irasburg town, Jay town, Lowell town, Morgan town, Newport city, Newport town, Troy town, Westfield town, Westmore town
Rutland County, VT	518	678	788	1042	1333	Benson town, Brandon town, Castleton town, Chittenden town, Clarendon town, Danby town, Fair Haven town, Hubbardton town, Ira town, Killington town, Mendon town, Middletown Springs town, Mount Holly town, Mount Tabor town, Pawlet town, Pittsfield town, Pittsford town, Poultney town, Proctor town, Rutland city, Rutland town, Shrewsbury town, Sudbury town, Tinmouth town, Wallingford town, Wells town, West Haven town, West Rutland town
Washington County, VT	570	666	834	1127	1261	Barre city, Barre town, Berlin town, Cabot town, Calais town, Duxbury town, East Montpelier town, Fayston town, Marshfield town, Middlesex town, Montpelier city, Moretown town, Northfield town, Plainfield town, Roxbury town, Waitsfield town, Warren town, Waterbury town, Woodbury town, Worcester town
Windham County, VT	675	703	924	1116	1151	Athens town, Brattleboro town, Brookline town, Dover town,

SCHEDULE B FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 49

VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Dummerston town, Grafton town, Guilford town, Halifax town, Jamaica town, Londonderry town, Marlboro town, Newfane town, Putney town, Rockingham town, Somerset town, Stratton town, Townshend town, Vernon town, Wardsboro town, Westminster town, Whitingham town, Wilmington town, Windham town
Windsor County, VT	635	711	837	1139	1355	Andover town, Baltimore town, Barnard town, Bethel town, Bridgewater town, Cavendish town, Chester town, Hartford town, Hartland town, Ludlow town, Norwich town, Plymouth town, Pomfret town, Reading town, Rochester town, Royalton town, Sharon town, Springfield town, Stockbridge town, Weathersfield town, Weston town, West Windsor town, Windsor town, Woodstock town

VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Blacksburg-Christiansburg-Radford, VA HMFA	543	594	665	912	1168	Montgomery, Radford city
Charlottesville, VA MSA	620	745	882	1143	1265	Albemarle, Fluvanna, Greene, Nelson, Charlottesville city
Danville, VA MSA	394	453	584	728	782	Pittsylvania, Danville city
Franklin County, VA HMFA	361	433	557	666	710	Franklin
Giles County, VA HMFA	363	470	557	710	980	Giles
Harrisonburg, VA MSA	500	556	676	947	973	Rockingham, Harrisonburg city
Kingsport-Bristol-Bristol, TN-VA MSA	417	448	557	746	892	Scott, Washington, Bristol city
Louisa County, VA HMFA	606	687	783	936	964	Louisa
Lynchburg, VA MSA	501	514	619	763	852	Amherst, Appomattox, Bedford, Campbell, Bedford city, Lynchburg city
Pulaski County, VA HMFA	423	447	557	798	858	Pulaski
*Richmond, VA HMFA	764	828	925	1234	1474	Amelia, Caroline, Charles, Chesterfield, Cumberland, Dinwiddie, Goochland, Hanover, Henrico, King and Queen, King William, New Kent, Powhatan, Prince George, Sussex, Colonial Heights city, Hopewell city, Petersburg city, Richmond city
Roanoke, VA HMFA	497	529	683	867	946	Botetourt, Craig, Roanoke, Roanoke city, Salem city
Virginia Beach-Norfolk-Newport News, VA-NC MSA	749	781	904	1236	1490	Gloucester, Isle of Wight, James, Mathews, Surry, York, Chesapeake city, Hampton city, Newport News city, Norfolk city, Poquoson city, Portsmouth city, Suffolk city, Virginia Beach city, Williamsburg city
Warren County, VA HMFA	531	618	769	1081	1114	Warren
Washington-Arlington-Alexandria, DC-VA-MD HMFA	1002	1131	1288	1647	2157	Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas city, Manassas Park city
Winchester, VA-WV MSA	547	568	749	1034	1064	Frederick, Winchester city

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VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Accomack	381	521	586	712	877
Augusta	486	501	653	934	1074
Bland	464	480	557	710	789
Buchanan	464	480	557	710	789
Carroll	463	502	557	668	742
Culpeper	625	636	753	974	1035
Essex	447	552	680	925	954
Grayson	464	480	557	710	789
Halifax	362	503	557	748	979
Highland	478	497	617	851	1028
Lancaster	448	551	671	825	888
Lunenburg	479	495	577	720	996
Mecklenburg	365	456	562	690	919
Northampton	448	551	671	817	888
Nottoway	463	500	557	791	906
Page	379	443	581	749	772
Prince Edward	540	542	651	779	1043
Richmond	448	551	671	817	888
Russell	363	481	557	682	703
Smyth	461	500	557	707	916
Tazewell	464	465	557	715	809
Wise	463	472	557	725	913
Buena Vista city	445	500	557	811	977
Covington city	362	464	557	677	706
Franklin city	404	558	619	766	1089
Lexington city	445	500	557	811	977
Norton city	463	472	557	725	913
Waynesboro city	486	501	653	934	1074

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	362	464	557	677	706
Bath	478	497	617	851	1028
Brunswick	479	495	577	720	996
Buckingham	463	500	557	716	906
Charlotte	463	500	557	716	906
Dickenson	464	497	557	727	747
Floyd	512	557	618	860	1088
Greensville	481	522	579	699	869
Henry	429	447	557	714	818
King George	632	633	761	1106	1139
Lee	361	436	557	716	758
Madison	493	550	664	919	948
Middlesex	448	551	671	817	888
Northumberland	448	551	671	817	888
Orange	447	614	684	995	1200
Patrick	462	503	557	690	711
Rappahannock	493	550	664	919	948
Rockbridge	445	500	557	811	977
Shenandoah	459	492	601	802	888
Southampton	404	558	619	766	1089
Westmoreland	453	552	697	956	985
Wythe	362	458	557	730	980
Clifton Forge city	362	464	557	677	706
Emporia city	481	522	579	699	869
Galax city	463	502	557	668	742
Martinsville city	429	447	557	714	818
Staunton city	486	501	653	934	1074

WASHINGTON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	570	630	790	1153	1299	Whatcom
Bremerton-Silverdale, WA MSA	619	694	855	1224	1336	Kitsap
Kennewick-Pasco-Richland, WA MSA	503	548	688	930	1102	Benton, Franklin
Lewiston, ID-WA MSA	477	495	620	880	1073	Asotin
Longview, WA MSA	447	561	652	950	1083	Cowlitz
Mount Vernon-Anacortes, WA MSA	572	708	879	1202	1500	Skagit
Olympia, WA MSA	582	654	835	1212	1466	Thurston
Portland-Vancouver-Beaverton, OR-WA MSA	604	700	809	1178	1415	Clark, Skamania
Seattle-Bellevue, WA HMFA	720	820	987	1395	1704	King, Snohomish
Spokane, WA MSA	450	528	695	954	1082	Spokane
*Tacoma, WA HMFA	636	743	926	1349	1518	Pierce
Wenatchee, WA MSA	520	551	696	939	1081	Chelan, Douglas

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WASHINGTON continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Yakima, WA MSA	480	563	728	959	1011	Yakima

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	405	483	619	831	857	Clallam	511	565	735	1074	1107
Columbia	417	487	643	869	1037	Ferry	405	479	619	831	857
Garfield	417	487	643	869	1037	Grant	413	491	635	858	881
Grays Harbor	419	492	646	910	935	Island	748	749	904	1315	1587
Jefferson	523	641	784	1140	1173	Kittitas	468	546	719	963	1000
Klickitat	541	549	652	915	943	Lewis	452	577	694	927	970
Lincoln	405	479	619	831	857	Mason	508	598	717	979	1160
Okanogan	453	545	641	877	965	Pacific	444	478	627	889	924
Pend Oreille	405	479	619	831	857	San Juan	639	688	850	1221	1492
Stevens	402	485	619	848	926	Wahkiakum	450	559	653	951	1091
Walla Walla	417	487	643	925	953	Whitman	452	498	646	912	1117

WEST VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boone County, WV HMFA	352	456	540	668	740	Boone
Charleston, WV HMFA	466	509	636	810	834	Clay, Kanawha, Lincoln, Putnam
Cumberland, MD-WV MSA	406	492	577	778	908	Mineral
Huntington-Ashland, WV-KY-OH MSA	410	485	582	718	741	Cabell, Wayne
Jefferson County, WV HMFA	476	642	731	1067	1285	Jefferson
Martinsburg, WV HMFA	534	602	723	967	1160	Berkeley, Morgan
Morgantown, WV MSA	489	509	602	781	926	Monongalia, Preston
Parkersburg-Marietta-Vienna, WV-OH MSA	422	451	578	768	828	Pleasants, Wirt, Wood
Weirton-Steubenville, WV-OH MSA	382	468	577	721	782	Brooke, Hancock
Wheeling, WV-OH MSA	375	452	577	725	846	Marshall, Ohio
Winchester, VA-WV MSA	547	568	749	1034	1064	Hampshire

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barbour	416	434	540	707	745	Braxton	416	434	540	707	745
Calhoun	394	469	569	739	850	Doddridge	372	474	560	674	797
Fayette	450	451	540	668	718	Gilmer	416	434	540	707	745
Grant	471	544	611	800	993	Greenbrier	429	488	540	649	854
Hardy	471	544	611	800	993	Harrison	463	464	557	698	780
Jackson	394	469	569	739	850	Lewis	426	461	540	677	697
Logan	377	457	540	664	682	McDowell	450	466	540	737	936
Marion	385	492	591	707	861	Mason	448	458	540	684	731
Mercer	449	465	540	730	924	Mingo	352	474	540	680	883
Monroe	449	487	540	673	696	Nicholas	449	487	540	687	752
Pendleton	470	542	612	799	991	Pocahontas	449	466	540	661	784
Raleigh	455	483	545	696	717	Randolph	425	426	549	708	729

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WEST VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ritchie	394	469	569	739	850
Summers	449	487	540	673	696
Tucker	416	434	540	707	745
Upshur	351	438	540	725	748
Wetzel	353	481	540	687	782
Roane	394	469	569	739	850
Taylor	372	474	560	671	797
Tyler	394	469	569	739	850
Webster	449	466	540	661	784
Wyoming	450	466	540	737	936

WISCONSIN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton, WI MSA	520	534	663	956	983	Calumet, Outagamie
Columbia County, WI HMFA	470	549	723	976	1007	Columbia
Duluth, MN-WI MSA	404	492	621	780	994	Douglas
Eau Claire, WI MSA	411	490	613	831	865	Chippewa, Eau Claire
Fond du Lac, WI MSA	495	531	639	840	911	Fond du Lac
Green Bay, WI HMFA	536	549	691	972	1001	Brown, Kewaunee
Iowa County, WI HMFA	453	529	696	832	855	Iowa
Janesville, WI MSA	487	569	709	928	955	Rock
Kenosha County, WI HMFA	636	663	822	1130	1300	Kenosha
La Crosse, WI MN MSA	407	477	627	832	1022	La Crosse
Madison, WI HMFA	574	716	846	1135	1406	Dane
*Milwaukee-Waukesha-West Allis, WI MSA	589	702	839	1057	1089	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul-Bloomington, MN-WI MSA	610	719	873	1143	1284	Pierce, St. Croix
Oconto County, WI HMFA	429	520	577	747	778	Oconto
Oshkosh-Neenah, WI MSA	460	542	641	841	1090	Winnebago
Racine, WI MSA	494	578	725	902	990	Racine
Sheboygan, WI MSA	413	530	626	774	950	Sheboygan
Wausau, WI MSA	410	512	631	842	931	Marathon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	436	479	592	771	794
Barron	384	484	577	736	758
Buffalo	404	459	586	743	775
Clark	373	441	577	789	812
Dodge	577	579	697	882	953
Dunn	441	476	597	870	894
Forest	436	479	592	771	794
Green	425	458	601	763	891
Iron	394	460	577	739	766
Jefferson	496	581	766	918	1157
Lafayette	426	449	577	739	828
Lincoln	481	482	577	840	866
Marinette	481	519	577	756	779
Menominee	446	501	609	784	871
Oneida	432	472	620	793	1091
Ashland	445	448	577	733	993
Bayfield	394	460	577	739	766
Burnett	394	460	577	739	766
Crawford	479	513	577	716	882
Door	426	544	655	880	986
Florence	386	466	577	734	770
Grant	479	480	577	747	1013
Green Lake	434	497	577	755	921
Jackson	404	459	586	743	775
Juneau	383	472	588	774	798
Langlade	479	480	577	761	830
Manitowoc	386	452	595	712	885
Marquette	446	501	609	784	871
Monroe	398	465	613	778	850
Pepin	404	459	586	743	775

SCHEDULE B FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 53

WISCONSIN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Polk	441	515	677	833	859
Price	394	460	577	739	766
Rusk	394	460	577	739	766
Sawyer	394	464	577	739	766
Taylor	394	460	577	739	766
Vernon	458	460	577	729	795
Walworth	512	602	785	980	1011
Waupaca	392	493	599	782	806
Wood	385	473	586	713	781

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Portage	507	514	613	812	835
Richland	406	453	577	740	763
Sauk	438	582	668	898	927
Shawano	397	469	577	720	827
Trempealeau	454	455	577	788	812
Vilas	436	479	592	806	831
Washburn	394	460	577	739	766
Waushara	446	501	609	784	871

WYOMING

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	461	505	638	928	1118	Natrona
Cheyenne, WY MSA	530	559	709	965	1243	Laramie

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Albany	483	553	702	964	1021
Campbell	537	579	648	877	956
Converse	376	464	577	787	1014
Fremont	473	475	604	757	965
Hot Springs	479	501	599	782	936
Lincoln	529	560	637	850	1006
Park	448	515	606	761	1003
Sheridan	482	519	638	816	996
Sweetwater	460	559	701	980	1017
Uinta	477	602	686	937	1112
Weston	479	501	599	782	936

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Big Horn	479	501	599	782	936
Carbon	376	449	577	723	879
Crook	479	501	599	782	936
Goshen	478	479	577	711	979
Johnson	481	500	617	784	937
Niobrara	479	501	599	782	936
Platte	479	501	599	782	936
Sublette	532	560	650	851	1008
Teton	824	918	1155	1522	1567
Washakie	479	501	599	782	936

GUAM

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	773	830	1013	1476	1765

PUERTO RICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla-Isabela-San Sebastián, PR MSA	338	367	407	523	586	Aguada, Aguadilla, Añasco, Isabela, Lares, Moca, Rincón, San Sebastián
Arecibo, PR HMFA	356	387	430	587	687	Arecibo, Camuy, Hatillo
Barranquitas-Aibonito-Quebradillas, PR HMFA	351	379	422	537	617	Aibonito, Barranquitas, Ciales, Maunabo, Orocovis, Quebradillas
Caguas, PR HMFA	391	423	471	653	787	Caguas, Cayey, Cidra, Gurabo, San Lorenzo

SCHEDULE B - FY 2009 PROPOSED FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 54

PUERTO RICO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fajardo, PR MSA	405	441	490	712	859	Ceiba, Fajardo, Luquillo
Guayama, PR MSA	357	385	429	609	755	Arroyo, Guayama, Patillas
Mayagüez, PR MSA	383	416	462	552	762	Hormigueros, Mayagüez
Ponce, PR MSA	414	450	498	692	789	Juana Díaz, Ponce, Villalba
San Germán-Cabo Rojo, PR MSA	333	346	401	525	565	Cabo Rojo, Lajas, Sabana Grande, San Germán
San Juan-Guaynabo, PR HMFA	431	468	520	688	814	Aguas Buenas, Barceloneta, Bayamón, Canóvanas, Carolina, Cataño, Comerío, Corozal, Dorado, Florida, Guaynabo, Humacao, Juncos, Las Piedras, Loíza, Manatí, Morovis, Naguabo, Naranjito, Río Grande, San Juan, Toa Alta, Toa Baja, Trujillo Alto, Vega Alta, Vega Baja, Yabucoa
Yauco, PR MSA	330	349	397	500	637	Guánica, Guayanilla, Peñuelas, Yauco

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adjuntas	330	356	397	544	590	Coamo	330	356	397	544	590
Culebra	330	356	397	544	590	Jayuya	330	356	397	544	590
Las Marías	330	356	397	544	590	Maricao	330	356	397	544	590
Salinas	330	356	397	544	590	Santa Isabel	330	356	397	544	590
Utuado	330	356	397	544	590	Vieques	330	356	397	544	590

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Criox	563	587	711	888	1016	St. John	640	765	984	1219	1274
St. Thomas	640	765	984	1219	1274						

Note1: The FMRs for unit sizes larger then 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.
Note2: 50th percentile FMRs are indicated by an * before the FMR Area name. 06/04/2008

SCHEDULE D - FY 2009 FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

State	Area Name	Space Rent
California	*San Diego-Carlsbad-San Marcos, CA MSA	$736
	Los Angeles-Long Beach, CA HUD Metro FMR A	$612
	Orange County, CA HUD Metro FMR Area	$744
	Riverside-San Bernardino-Ontario, CA MSA	$482
	Santa Rosa-Petaluma, CA MSA	$643
	Vallejo-Fairfield, CA MSA	$517
Colorado	Boulder, CO MSA	$425
Maryland	St. Mary's County	$451
Oregon	Bend, OR MSA	$330
	Salem, OR MSA	$442
Pennsylvania	Adams County	$506
Washington	Olympia, WA MSA	$528
	Seattle-Bellevue, WA HUD Metro FMR Area	$581
West Virginia	Logan County	$409
	McDowell County	$409
	Mercer County	$409
	Mingo County	$409
	Wyoming County	$409

* 50th percentile FMR areas.

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Federal Register

Thursday,
June 12, 2008

Part IV

Federal Trade Commission

Privacy Act of 1974; System of Records Notices; Notice

FEDERAL TRADE COMMISSION

Privacy Act of 1974; System of Records Notices

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice of revised system notices with request for comments.

SUMMARY: The FTC is revising the notices that it is required to publish under the Privacy Act of 1974 to describe its systems of records about individuals. This action is intended to make these notices clearer, more accurate, and up-to-date. This document also consolidates all of the notices into a single publication for ease of use and reference. This consolidation and revision is designed to promote better public understanding of how and when the FTC collects and uses information about individuals.

DATES: The deadline for any comments on this notice is July 14, 2008. Unless the FTC makes changes based on comments or otherwise, this notice shall become final and effective on July 28, 2008.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''FTC Privacy Act Systems Notices, Project No. P072104'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex P), 600 Pennsylvania Avenue, NW., Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Moreover, because paper mail in the Washington area and at the FTC is subject to delay, please consider submitting your comments in electronic form, as prescribed below. If, however, the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page must be clearly labeled ''Confidential.''[1]

Comments filed in electronic form should be submitted by using the following weblink: *https://secure.commentworks.com/ftc-recordssystemsnotices* (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink *https://secure.commentworks.com/ftc-recordssystemsnotices*. If this notice appears at *http://www.regulations.gov*, you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC website at *http://www.ftc.gov/opa/index.shtml* to read this document and the related FTC news release.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.htm*).

FOR FURTHER INFORMATION CONTACT: Alex Tang, G. Richard Gold, or Lorielle L. Pankey, Attorneys, Office of the General Counsel, FTC, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2424.

SUPPLEMENTARY INFORMATION: Please read the following questions and answers to understand the reasons for this notice.

Who should read this notice?

You should read this notice if you would like to know what information the Federal Trade Commission (FTC) collects and maintains about individuals.

Why is the FTC publishing this notice?

The Privacy Act of 1974, 5 U.S.C. 552a, requires us to publish this notice.

What is the Privacy Act?

The Privacy Act is a Federal law that protects information about individuals (*i.e.*, personal information) in ''systems of records'' maintained by the United States Government. It provides the public with the right to know when a Government agency is maintaining any system of records about individuals, and it limits the agency's ability to use or disclose a record about an individual from such a system without that individual's consent.

Does the FTC maintain any systems of records about individuals?

Yes. The FTC, like other Government agencies, maintains systems of records about its individual employees, such as payroll and other personnel records. The FTC also maintains systems of records about individuals outside the FTC. For example, the National Do Not Call Registry is the system of records we use to maintain the phone numbers of individuals who do not want to receive telemarketing calls. We also maintain a system of nonpublic investigatory or other nonpublic legal records, which include records about other non-FTC individuals. These and other FTC systems of records are discussed below.

What is a ''system of records''?

A ''system of records'' can be any collection or grouping of paper, electronic, or other records (*e.g.*, microfiche) controlled by a Federal agency about individuals. (It does not include agency records about businesses or about individuals who are not U.S. citizens or lawfully admitted aliens.) To be a ''system of records,'' the agency must pull (''retrieve'') records about an individual from the system by that individual's name or by some other identifier assigned to that individual, such as the individual's Social Security number or telephone number. The record must also be ''about'' that individual. If a record is only about someone or something else (*e.g.*, about a business), it is not a record ''about'' that individual.

How do I know if the FTC has any records about me or other individuals in a system of records?

To inform the public, this document contains a ''system of records notice'' (SORN) for each system of records about individuals that the FTC currently maintains within the meaning of the Privacy Act. Each SORN describes the records maintained in that particular system, including the categories of individuals that the records in the system are about (*e.g.*, FTC employees). Each system notice also contains information about how to find out if that particular system contains any records about you.

[1] *See* Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

What other information is in the SORN?

Each SORN also explains where the system is maintained, what laws or other authority permits the FTC to maintain the system, the purpose of the system, and how we safeguard records in the system. The SORN also includes other information about the system, including the ''routine uses'' of records in that system. (A ''routine use'' means a disclosure of a record that is compatible with the purpose for which that record was collected.)

Why is the FTC publishing these SORNs now?

The Privacy Act requires the FTC to publish a SORN before establishing a system of records under the Act. The FTC must update that SORN when the agency makes certain changes to the system. The FTC has published SORNs for individual systems of records, and updates of these SORNs as needed, but this is the first time since 1992 (57 FR 45678) that the FTC has published a complete list of its SORNs in one document.

Can I view these SORNs online?

Yes. We post our SORNs on the FTC's Web site, *www.ftc.gov*, in the Privacy Act section, and we will post this document, too. (It is also officially published in the **FEDERAL REGISTER** online, (*http://www.gpoaccess.gov/fr/Index.html*).)

Is the FTC deleting or adding SORNs?

Yes. The FTC is deleting seven SORNs that covered records the FTC no longer maintains or records that are now merged with or otherwise covered by other existing SORNs.[2] At the same time, the FTC is adding nine new SORNs to cover records that were covered in whole or part by other existing SORNs.[3]

Are there other SORN changes?

Yes. We have revised our SORNs throughout so they more accurately describe the scope, type, or purpose of records we are currently maintaining in those systems. We have updated the descriptions of our storage, retention and information security practices. We also have made other technical or stylistic changes, such as revising some system names. We have also created a new Appendix III to update and consolidate the addresses of the FTC's regional offices and other facilities where records may be maintained or accessed. Where applicable, we have also explained when a system has been ''outsourced'' (*i.e.*, when the FTC is using a contractor to operate or maintain the system). A system-by-system summary of the revised SORNs is set forth at the end of this question-and-answer section.

Can I comment on these SORNs?

Yes. Please see the **ADDRESSES** section of this document above to learn how to submit a comment, and see the **DATES** section for the deadline to do so. Before you submit a comment, please be aware that your comment will become a matter of public record and will be posted on our Web site, where it can be viewed and searched by anyone on the Internet.

Do other Federal agencies have SORNs?

Yes. Each Federal agency must publish SORNs for its own systems of records. To find out what system of records another Federal agency maintains, and to obtain the SORNs for those systems, contact that agency directly, or visit its Web site. (Privacy Act information is often linked to an agency's Freedom of Information Act (FOIA) page.)

Does the Privacy Act of 1974 apply to records that private businesses maintain about individuals?

No. The Privacy Act of 1974 applies only to records maintained by agencies of the United States Government. Records that businesses or other private entities maintain on their customers or other individuals are covered by other laws and regulations applicable to the private sector. The FTC enforces some of these laws and regulations as part of its mandate to protect consumers from unfair and deceptive acts and practices.

How can I learn more about the privacy laws and regulations that the FTC enforces?

To learn more about how the FTC works to protect consumer privacy, please visit the FTC's Web site, *www.ftc.gov*. It contains a wealth of information about how to avoid identity theft, how to safeguard your information when using the Internet, and other helpful guidance and advice to help you protect your privacy.

System-by-System SORN Summary

The following summary highlights changes that the FTC is making to each of its SORNs.

I. FTC Law Enforcement Systems of Records

FTC-I-1 (Nonpublic Investigational and Other Nonpublic Legal Program Records—FTC). This SORN previously included public records about individuals. For clarity, the FTC has decided to treat public records as a separate system of records. Accordingly, we have revised FTC-I-1 to cover only nonpublic investigational and other nonpublic program records, and public records previously covered by this system are now treated as a separate system with its own SORN, designated as FTC-I-6 (Public Records—FTC), see below.

FTC-I-2 (Disciplinary Action Investigatory Files—FTC). This SORN covers records compiled to determine whether the FTC should refer an individual practicing before the FTC to appropriate authorities for alleged ethical or other misconduct. No substantive changes have been made.

FTC-I-3 (Informal Advisory Opinion Requests and Response Files—FTC). This SORN covers the records of individuals who have requested informal advisory opinions from the FTC staff, and records of the responses to such requests. We have clarified and simplified the system name, and made other technical changes and clarifications.

[2] *See* former FTC-I-6 (Office of the Secretary Control and Reporting System—FTC), now part of FTC-I-5 (Matter Management System—FTC); former FTC-II-4 (Counseling Records—FTC), now Employee Assistance Program records covered by a Health and Human Services SORN, as discussed below; former FTC-II-8 (Biographies of Commissioners and Key Staff Members—FTC), now part of FTC-I-6 (Public Records—FTC); former FTC-III-2 (Payroll—Retirement Records—FTC), now part of FTC-III-1 (Personnel Payroll System—FTC); former FTC-IV-2 (Identity Theft Complaint Management System—FTC), now part of FTC-IV-1 (Consumer Information System—FTC); former FTC-V-3 (Public Information Requests System—FTC), now part of FTC-IV-1 (Consumer Information System—FTC); former FTC-VII-4 (Standard Name System—FTC), no longer maintained.

[3] *See* new FTC-I-6 (Public Records—FTC), previously part of FTC-I-1 (formerly Investigational, Legal and Public Records—FTC, now Nonpublic Investigational Records and other Nonpublic Legal Program Records—FTC); new FTC-II-4 (Employment Application-Related Records—FTC), covered by an existing SORN published by the Office of Personnel Management (OPM), as discussed below; new FTC-II-8 (Employee Adverse Action and Disciplinary Records—FTC), covered by an existing OPM SORN, as discussed below; new FTC-II-13 (Staff Time and Attendance Reporting (STAR) System—FTC), covering matter and time and attendance data also included in FTC-I-5 (Matter Management System—FTC) and FTC-III-1 (Personnel Payroll System—FTC); new FTC-III-2 (Travel Management System—FTC), covered by an existing General Services Administration (GSA) SORN, as discussed below; new FTC-III-4 (Automated Acquisitions System—FTC), covering vendor data also included in part in FTC-III-3 (Financial Management System—FTC); FTC-III-5 (Employee Transportation Program Records—FTC), covering copies of data transmitted to the Department of Transportation (DOT) under a DOT SORN, as discussed below; FTC-IV-2 (Miscellaneous Office Correspondence Tracking System Records—FTC), previously covered by FTC-IV-1 (former Correspondence Control System—FTC, now Consumer Information System—FTC); new FTC-VI-4 (Call Detail Records—FTC), covering records subject to a model Office of Management & Budget (OMB) SORN, as described below.

FTC-I-4 (Clearance Applications and Response Files—FTC). This SORN covers records of individuals who have requested clearance to participate or appear on behalf of other parties in FTC matters, and records of the FTC's responses to such requests. We have simplified the system name, but made no substantive changes.

FTC-I-5 (Matter Management System—FTC). This SORN covers the administrative database used by the FTC to track and report the history and status of FTC investigations and other agency matters, including names of employees or others assigned to or involved in such matters. We have updated the system name, and have revised the scope of the SORN to include the system of records known as the Office of the Secretary Control and Reporting System (OSCAR), which tracks matters circulated to the FTC's Commissioners for voting or informational purposes. OSCAR was previously treated as a separate Privacy Act system of records (FTC-I-6), but those records have now been made merged into this system (FTC-I-5).

FTC-I-6 (Public Records—FTC). FTC-I-6 is now the designation for a new SORN covering the FTC's system of public records, which were previously part of FTC-I-1, see above. FTC-I-6 includes comments submitted by consumers and others in rulemakings, workshops, or other FTC proceedings. The FTC makes these public records routinely available for public inspection and copying, including by posting copies of such records on the Internet, as noted in section 4.9(b) of the FTC Rules of Practice, 16 CFR 4.9(b), and explained in the FTC's online privacy policy posted at *www.ftc.gov*. Some public comments are also collected for the FTC by the government-wide Federal Docket Management System (FDMS), through *www.regulations.gov*, which is maintained and operated on behalf of all Federal agencies by the Environmental Protection Agency (EPA). Public comments or other records collected through the FDMS are covered by the SORN that EPA has separately published for the FDMS. *See* EPA-GOVT-2 (FDMS), 70 FR 15086 (2005).

FTC-I-7 (Office of Inspector General Investigative Files—FTC). This SORN covers investigatory records in the FTC's Office of Inspector General (OIG). The FTC published the last revision of this SORN in 2005 (70 FR 43431). The FTC is adding a routine use, found in other agencies' SORNs, to keep complainants and victims apprised of the status of the OIG's investigation, which is compatible with the purpose for which the OIG's investigatory records are compiled. Otherwise, only minor editorial changes have been made.

FTC-I-8 (Stenographic Reporting Services Request System—FTC). This SORN covers the database system that the FTC uses to log and fulfill requests by FTC attorneys for stenographic services in FTC investigations, litigation and other FTC matters. The SORN remains unchanged, aside from minor editorial and stylistic revisions.

II. FTC Personnel Systems of Records

FTC II-1 (General Personnel Records—FTC). This SORN covers Official Personnel Folders (OPFs) and other personnel records that the FTC's Human Resources Management Office (HRMO) maintains about FTC employees. The Office of Personnel Management (OPM) has published a Government-wide SORN that covers this system of records, OPM/GOVT-1 (General Personnel Records). *See* 71 FR 35341, 35342 (2006). We have revised FTC-II-1 to make it more consistent with OPM's SORN, and have made other minor revisions.

FTC-II-2 (Unofficial Personnel Records—FTC). This SORN covers personnel records maintained outside of the FTC's HRMO by FTC managers about their employees. This system includes employee performance files maintained by managers. OPM has published a Government-wide SORN that covers those records, OPM/GOVT-2 (Employee Performance File System Records). *See* 71 FR 35341, 35347 (2006). We have revised FTC-II-2 to make it more consistent with OPM's SORN, and have made other minor revisions.

FTC-II-3 (Workers' Compensation—FTC). This SORN covers FTC records of claims filed under the Federal Employees' Compensation Act (FECA) for injuries sustained on the job by FTC employees. The Department of Labor (DOL) processes and adjudicates these claims for all Federal employees. DOL has published a SORN to cover its Government-wide system of FECA claims records, DOL/GOVT-1 (Office of Workers' Compensation Programs, FECA File), which is operated and maintained by a DOL contractor. *See* 67 FR 16815 (2002). We have revised FTC-II-3 to make it more consistent with DOL's SORN, and have made other minor revisions.

FTC-II-4 (Employment Application-Related Records—FTC). The FTC has deleted the SORN previously designated as FTC-II-4, which covered employee counseling records maintained on-site by the FTC. Counseling records for FTC employees are now compiled, maintained, and controlled solely by the Department of Health and Human Services (HHS), which provides an Employee Assistance Program (EAP) to the FTC's employees under an interagency agreement. Those counseling records are covered by the relevant SORN published by HHS. *See* HHS SORN No. 09-90-0010 (EAP Records), 67 FR 4965 (2002). FTC-II-4 now designates a new SORN covering the FTC system of records compiled from or about individuals who have applied for FTC employment, including individual applications, resumes, references or other records submitted for FTC consideration. The FTC has not previously published a SORN for this system of records because a Government-wide OPM SORN already covers this system, OPM/GOVT-5 (Recruiting, Examining, and Placement Records). *See* 71 FR 35351 (2006). Nonetheless, for clarity and ease of reference, the FTC is publishing its own SORN for this system, as the FTC has done for other FTC systems that overlap with OPM systems (*e.g.*, FTC-II-1, FTC-II-2).

FTC-II-5 (Equal Employment Opportunity Statistical Reporting System—FTC). This SORN covers the confidential FTC personnel database maintained for the FTC's Equal Employment Opportunity (EEO) Office to generate statistical reports and analyses for the FTC's EEO program. An OPM Government-wide SORN also covers the applicant-related data compiled in this FTC system, OPM/GOVT-7 (Applicant Race, Sex, National Origin, and Disability Status Records). *See* 71 FR 35356 (2006). Minor revisions have been made to FTC-II-5 regarding the system's purpose, records, storage, and other aspects of the system, consistent with the OPM SORN.

FTC-II-6 (Discrimination Complaint System—FTC). This SORN covers investigatory files and related documentation generated in EEO pre-complaint counseling and investigations at the FTC. These records also are covered by a Government-wide SORN published by the Equal Employment Opportunity Commission (EEOC), EEOC/GOVT-1 (Equal Employment Opportunity in the Federal Government Complaint and Appeal Records). *See* 67 FR 49338 (2002); 71 FR 24704 (2006) (updating system managers). Minor revisions have been made, consistent with the EEOC SORN.

FTC-II-7 (Ethics Program Records—FTC). This SORN covers annual financial statements and other filings or requests by FTC officials and employees under the FTC's ethics program. The Office of Government Ethics (OGE) has

published two Government-wide SORNs that together cover records in this FTC system. *See* OGE/GOVT-1 (Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records), OGE/GOVT-2 (Confidential Financial Disclosure Reports). *See* 68 FR 3098, 24744 (2003). We have revised FTC-II-7 to make it more consistent with the OGE SORNs and to make other minor clarifications.

FTC-II-8 (Employee Adverse Action and Disciplinary Records—FTC). The FTC has removed the SORN previously designated as FTC-II-8, which covered biographies maintained by the FTC's public affairs office on Commissioners and key staff members. That biographical information is now maintained and posted on the FTC's Web site, which is part of the FTC public records system. (*See* FTC-I-6 above.) FTC-II-8 now designates the FTC's system of employee adverse action and disciplinary files. The FTC has not previously published a SORN for this system of records, since an OPM Government-wide SORN covers these records, OPM/GOVT-3 (Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers). *See* 71 FR 35342, 35350 (2006). Nonetheless, for clarity and ease of reference, the FTC is now publishing its own SORN for this system, as the FTC has done for other FTC systems that overlap with OPM systems (*e.g.*, FTC-II-1, FTC-II-2).

FTC-II-9 (Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC). This SORN covers records generated by tort claims and other claims filed with the FTC by its employees or others under the named statutes. No substantive changes have been made.

FTC-II-10 (Employee Health Care Records—FTC). This SORN covers records maintained by the FTC's employee health unit, which relies upon an HHS Program Support Center (PSC) contractor to provide on-site health services to our employees at certain FTC facilities. We have clarified the scope of the SORN to be consistent with a related HHS SORN, No. 09-40-0005 (Public Health Service (PHS) Beneficiary-Contract Medical/Health Care Records). *See* 63 FR 68596 (1998). This SORN excludes personnel-related medical records for FTC employees (*e.g.*, fitness-for-duty examinations, if any), which would be covered by the applicable OPM Government-wide SORN, OPM/GOVT-10 (Employee Medical File System Records). *See* 71 FR 35360 (2006).

FTC-II-11 (Personnel Security, Identity Management & Access Control Records—FTC). This SORN covers security-related records for determining the eligibility of FTC employees or other authorized individuals (*e.g.*, on-site contractors) for access to FTC facilities and resources, as well as records related to granting and controlling such access. This SORN already covered personnel security investigatory files used to make the eligibility determinations. We have clarified the SORN to include related records collected or generated in the process of issuing credentials (*e.g.*, ID badges) to employees or others for gaining access to FTC facilities and resources. We are also clarifying the SORN to include access logs or other records maintained or used to determine and control when and how such credentials are used by our employees or others to gain access to FTC facilities and resources. This revision includes a routine use to disclose such logs or records for investigatory and law enforcement purposes, which is compatible with the purpose for which such logs or records are compiled.

FTC-II-12 (Training Reservation System—FTC). This SORN covers the system used by the FTC's HRMO to track and log requests of FTC employees to attend training courses. Only minor non-substantive changes have been made.

FTC-II-13 (Staff Time and Attendance Reporting (STAR) System—FTC). This SORN covers the system that the FTC uses to compile statistics on time spent by each employee on various FTC matters. The FTC already maintains matter-related data in its Matter Management System (FTC-I-5) about individual employee participation in such matters, and also maintains employee time and attendance data in its employee payroll system (FTC-III-1). Because the STAR system combines matter data as well as time and attendance data for FTC employees, the FTC is publishing a separate SORN for the STAR system.

III. FTC Financial Systems of Records

FTC-III-1 (Personnel Payroll System—FTC). This SORN, which covers payroll processing records for FTC employees, now also covers retirement records, which were previously treated as a separate records system with its own SORN (FTC-III-2). We have merged retirement records into FTC-III-1, and are using FTC-III-2 to designate a new and different system of records, as described below. We have also updated FTC-III-1 to reflect the applicable SORN published by the Department of Interior (DOI), which manages payroll and retirement data for the FTC. *See* DOI-85 (Payroll, Attendance, Retirement, and Leave Records), 64 FR 26997 (1999); 73 FR 8342 (2008) (proposed routine use amendments).

FTC-III-2 (Travel Management System—FTC). FTC-III-2 is now the SORN for the FTC Travel Management System, which covers travel documentation for FTC employees and other authorized individuals on official travel for the FTC. To the extent these travel data are collected and maintained by the FTC's travel management contractor, they are already covered by a Government-wide General Services Administration (GSA) SORN, GSA/GOVT-4 (Contracted Travel Services Program). *See* 71 FR 48764 (2006). Nonetheless, the FTC is publishing a SORN to include those data as well as any other miscellaneous data that various FTC offices may collect and maintain in a system or records about individuals on official travel for the FTC.

FTC-III-3 (Financial Management System—FTC). This SORN covers FTC records reflecting payments or reimbursements for travel by its employees and others (compare FTC-III-2 above) and payments for the acquisition of other goods or services (compare FTC-III-4 below). The FTC has revised FTC-III-3 to clarify its relationship to the other related SORNs, as well as to the applicable SORN published by DOI, which processes and manages financial data for the FTC. *See* DOI-90 (Federal Financial System), 64 FR 46930 (1999), 73 FR 8342 (2008) (proposed routine use amendments).

FTC-III-4 (Automated Acquisitions System—FTC). This new SORN covers the system used within the FTC to track requisitions (orders) for goods or services from non-FTC sources. In the past, records of such requisitions were partly reflected in records of payments for goods and services made through the Financial Management System (FTC-III-3, above). The FTC is now treating this requisitions data as a separate system of records with its own SORN designated as FTC-III-4.

FTC-III-5 (Employee Transportation Program Records—FTC). The FTC is adding this SORN to cover its file system of paper copies of requests submitted by FTC employees for commuting subsidies through a program administered by the Department of Transportation (DOT). The corresponding DOT SORN is DOT/ALL 8 (Employee Transportation Facilitation). *See* 65 FR 19475, 19482 (2000). This SORN also includes other records relating to employee transportation programs that the FTC

may administer from time to time (*e.g.*, garage parking permits).

IV. FTC Correspondence Systems of Records

FTC-IV-1 (Consumer Information System—FTC). This SORN, previously entitled ''Correspondence Control System,'' is now limited to consumer complaints and information requests received from consumers, as well as identity theft complaints, which were previously treated as a different system of records, under FTC-IV-2. Non-consumer correspondence control records previously covered by this system are now covered by a separate SORN, designated as FTC-IV-2. We have updated the system location for FTC-IV-1 to reflect the fact that a contractor maintains the system for the FTC. The SORN has also been revised to explain that the system also maintains contact information about authorized system users (*e.g.*, staff of other law enforcement agencies) to be shared among such users. The SORN includes a corresponding routine use for such sharing, which is compatible with the purpose for which such contact information is collected and maintained.

FTC-IV-2 (Miscellaneous Office Correspondence Tracking System Records—FTC). As noted above, identity theft records previously covered by FTC-IV-2 are now covered by FTC-IV-1. FTC-IV-2 is now a new SORN covering the miscellaneous non-consumer correspondence and matter tracking records that were previously covered as part of FTC-IV-1, above.

FTC-IV-3 (National Do Not Call Registry—FTC). This SORN covers records of individuals who wish to be placed on the FTC's telemarketing do-not-call list. It also covers information collected from telemarketers, sellers, or agents who are required to comply with the list, but only to the extent, if any, that such telemarketers, sellers, or agents are also ''individuals'' within the meaning of the Privacy Act. The revised SORN clarifies that user fee payment data are collected from these telemarketers, sellers, or agents by the Treasury Department's Financial Management Service (FMS) through its *www.pay.gov* system, and that such data are also covered by the applicable system notice published by Treasury/FMS for that system, Treasury/FMS.017 (Collections Records). *See* 70 FR 34522 (2005). No substantive changes have been made to this SORN.

V. FTC Access Requests

FTC-V-1 (Freedom of Information Act Requests and Appeals—FTC). The FTC is revising this SORN to reflect the use of a commercial software application to maintain these records. No substantive changes have been made.

FTC-V-2 (Privacy Act Requests and Appeals—FTC). The FTC is revising this SORN to reflect the use of a commercial software application to maintain these records. No substantive change have been made.

FTC-V-3 (Deleted). This SORN, which the FTC has deleted, previously described records of requests made to the FTC's public reading room for public information. Records of those requests are now collected and maintained as part of the FTC's Consumer Information System. *See* FTC-IV-1 above.

VI. FTC Mailing List Systems of Records

FTC-VI-1 (Mailing and Contact Lists—FTC). The FTC is revising the title and other portions of this SORN to clarify the scope, nature, and purpose of these records.

VII. FTC Miscellaneous Systems of Records

FTC-VII-1 (Automated Library Management System—FTC). The FTC has revised the system name, previously ''Automated Serials Routing System,'' to provide a more accurate description of this system's scope and purpose. The FTC has made other revisions to provide a more detailed explanation of the records maintained in the system, and the categories of individuals covered by the system.

FTC-VII-2 (Employee Locator (STAFFID) System—FTC). The FTC has revised the system name to reflect the internal database name used at the FTC. The FTC has made other revisions to clarify the uses and purpose of the system.

FTC-VII-3 (Computer Systems User Identification and Access Records—FTC). The FTC has revised the system name and other portions of the SORN to clarify the system's scope and purpose.

FTC-VII-4 (Call Detail Records—FTC). The FTC is adding this SORN to cover records that the FTC maintains on telephone usage by employees, contractors and other individuals, consistent with the Office of Management & Budget (OMB) model SORN for such records. *See* 52 FR 12990 (1987). This SORN is intended to authorize the FTC to retrieve such usage records by individual user name, phone number or other personal identifier. This SORN replaces the SORN previously designated as FTC-VII-4, which covered the Standard Name System, an internal directory that was previously used to ensure the standardized spelling of proper names of individuals and entities in Commission matters, which the Commission no longer uses or maintains.

FTC-VII-5 (Property Management System—FTC). The FTC has made minor technical and stylistic changes to this SORN, which covers property logs or other records that the FTC maintains to account for FTC office equipment, keys, or other FTC property assigned to individual employees or others.

FTC-VII-6 (Document Management and Retrieval System—FTC). The FTC has revised the system name and made other revisions to the scope of this SORN. This SORN covers legacy (microfiche) and current electronic data collections of FTC memoranda and other agency records that may be managed by and retrieved by the author's name or other personal identifiers.

FTC-VII-7 (Administrative Service Order System—FTC). The FTC has made minor technical and stylistic changes to this SORN, which covers the database system used by the FTC's Administrative Service Office to track and fulfill requests made by employees or other individuals for building repairs, maintenance or other administrative services.

FTC-VII-8 (Information Technology Service Ticket System—FTC). The FTC has revised this SORN to reflect the fact that the FTC has outsourced this function to a contractor, which now operates and maintains the electronic system used to track and fulfill employee and other requests for computer assistance, repairs, etc.

Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records). The FTC has updated this Appendix to consolidate the routine uses that apply globally to all FTC systems of records, including the most recent routine use published by the FTC in 2007 for disclosures of Privacy Act records if needed to help identify or remedy data breach situations. *See* 72 FR 31835. The FTC is also adding a new global routine use to clarify that the FTC may disclose Privacy Act records to the FTC's contractors, interns or other authorized FTC individuals who have a need for the record in order to perform officially assigned or designated FTC duties. As required by the Privacy Act, this routine use is compatible with the basis and purpose for which the FTC collects and maintains Privacy Act records, since the Act already authorizes similar internal (intra-agency) disclosures to ''officers and employees'' of the agency as needed

to carry out officially assigned or designated duties. *See* 5 U.S.C. 552a(b)(1). For the public's convenience, the revised Appendix also includes a complete list of other disclosures that the Privacy Act explicitly authorizes, but which the Act does not require the FTC to publish. *See* 5 U.S.C. 552a(b)(1)-(12).

Appendix II (How to Make a Privacy Act Request). The FTC has expanded this Appendix to include more detailed information about how to make a Privacy Act request for access, correction or amendment. It explains that some systems may be exempt from such requests or from other requirements of the Act, and provides other relevant information to individuals who might file such a request.

Appendix III (FTC System Locations). This Appendix, which is new, updates and consolidates the addresses of all FTC facilities, including its satellite building in Washington, DC, and regional offices. It also explains that the FTC may maintain records in other leased facilities or, in certain cases, may have contractors operate or maintain Privacy Act record systems off-site.

FTC Systems of Records Notices

Accordingly, the FTC proposes to revise and update its Privacy Act systems of records as follows:

I. FTC Law Enforcement Systems of Records

FTC-I-1

SYSTEM NAME:

Nonpublic Investigational and Other Nonpublic Legal Program Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in Commission investigations, rulemaking, advisory, and law enforcement proceedings; parties requesting formal advisory opinions; and consumers who have received redress or who are entitled to redress pursuant to Commission or court orders. (Businesses, sole proprietorships, or corporations are not covered by this system.) Parties requesting informal advisory opinions are covered by FTC-I-3, Informal Advisory Opinion Request and Response Files—FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employment status, age, date of birth, financial information, credit information, personal history, and records collected and generated during the investigation, which may include correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents, records or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to any of the following: investigation files; docketed and consent matters; rulemakings, workshops, and other public proceedings, including comments or other materials submitted in such proceedings; assurances of voluntary compliance; advisory opinions.

This system is limited to files and records that are about an individual, and only when the file or record is pulled (''retrieved'') by the name of that individual or other personal identifier (*e.g.*, number, symbol, fingerprint, etc.). As described below, records in this system may become public if they are subject to such disclosure under the FTC's Rules of Practice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Executive Order 10450.

PURPOSE(S):

To conduct the law enforcement, rulemaking, and advisory responsibilities of the Federal Trade Commission; to make determinations based upon the results of those matters; to report results of investigations to other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate; to make appropriate portions of the records of those matters available to the public (*see* FTC-I-6, Public Records—FTC); and to maintain records of Commission activities related to those matters, including to make such records available within the FTC for historical, legal research, investigational, and similar purposes (*see* FTC System VII-6, Document Management and Retrieval System—FTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Made available or referred to federal, state, local or international government authorities for investigation, possible criminal prosecution, civil action, regulatory order, or other law enforcement purpose;

(2) Referred to outside experts or consultants when considered appropriate by FTC staff to assist in the conduct of agency matters;

(3) Used by Commission contractors with recordkeeping, managerial, and budgeting responsibilities for information management purposes; and

(4) Disclosed on the FTC's public record under the FTC's Rules of Practice. *See* FTC-I-6, Public Records—FTC.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I. For public portions of this system, see the system notice for FTC-I-6.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The FTC maintains these records in various electronic and non-electronic formats and media (*e.g.*, paper, microfilm, CD-ROMs, other digital files). The FTC maintains electronic records in this system using a combination of different databases and applications, rather than maintaining them in a single paper or electronic system.

RETRIEVABILITY:

Records are indexed by respondent's, participant's, or FTC staff member's name; company name; industry investigation title; and FTC matter number.

SAFEGUARDS:

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user

ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records from submitters in FTC investigations are destroyed or returned to the submitter, if so requested, at the conclusion of the matter, except for those received into the record of any proceeding and any other copies made for official use or that are required to be preserved for their historical or other value under applicable Federal records retention requirements. *See* 15 U.S.C. 57b-2(b)(5), 16 CFR 4.12. Retention periods for other system records depend on the type of record and the FTC proceeding or matter involved. Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual respondent(s) or proposed respondent(s), defendant(s), company records, complainants, informants, witnesses, participants, FTC employees, commercial sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Copies of records contained in this system that have been placed on the FTC public record are available upon request or from the FTC's Web site, where applicable. *See* FTC-I-6, Public Records—FTC. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system that are not on the public record are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a, and the corresponding provisions of 16 CFR 4.13. *See* FTC Rules of Practice 4.13(m), 16 CFR 4.13(m).

FTC-I-2

SYSTEM NAME:

Disciplinary Action Investigatory Files—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel, counsel for parties in investigative or adjudicative proceedings, and others participating in FTC matters who may be subject to investigation for possible improper or unethical conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employment status, age, date of birth, financial information, credit information, personal history, and records collected and generated during the investigation, which may include correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents, records or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Executive Order 10450.

PURPOSE(S):

To conduct disciplinary action investigations; to make determinations based upon the results of the investigations; to report results of investigations to other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate; and to maintain records related to those matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) May be used to determine whether disciplinary action, including suspension or disbarment from practice before the Commission, is warranted;

(2) May be transferred to the Office of Personnel Management, to a court, or a bar association; and

(3) May be used by personnel of other agencies, courts, or bar associations to whom the matter is referred.

See also Appendix I for other ways that the Privacy Act allows the FTC to use and disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The FTC generally maintains these records in paper format, although it can also maintain them in other electronic or non-electronic formats and media (*e.g.*, microfilm, CD-ROMs, other digital files).

RETRIEVABILITY:

Records are indexed by individual's name, company name, industry investigation title, file or docket number.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel for Legal Counsel, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-3

SYSTEM NAME:

Informal Advisory Opinion Request and Response Files—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for informal advisory opinions from FTC staff under § 1.1(b) of the Commission's Rules of Practice, 16 CFR 1.1(b). (Applicants for formal advisory opinions from the Commission under § 1.1(a) of the Rules of Practice, 16 CFR 1.1(a), are covered by FTC-I-1, Nonpublic Investigational and Other Nonpublic Legal Program Records—FTC.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other contact information of requester; correspondence or other documents about the business and the proposed course of action about which an advisory opinion is being sought; FTC staff responses to requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To respond to requests for informal advisory opinions; to maintain records of such requests and the staff's responses; for use by staff in coordinating and preparing future advisory opinions and assuring the consistency of such opinions; to make records of such requests and staff responses available within the FTC for historical, legal research, investigational, and similar purposes (*see* FTC-VII-6, Document Management and Retrieval System—FTC); and also to make appropriate portions of such records available to the public (*see* FTC-I-6, Public Records—FTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Referred to appropriate federal or state agencies for advice, for law enforcement, or where law enforcement action may be warranted; and

(2) Disclosed on the FTC's public record under the FTC's Rules of Practice. *see* FTC-I-6, Public Records—FTC.

See also Appendix I for other ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I. For public portions of this system, see the system notice for FTC-I-6.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The FTC generally maintains these records in paper format, although it can also maintain them in other electronic or non-electronic formats and media (*e.g.*, microfilm, CD-ROMs, other digital files).

RETRIEVABILITY:

Records are indexed by name of requesting party.

SAFEGUARDS:

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual proprietorship, corporation, or other business organization, counsel seeking or receiving a staff advisory opinion, and FTC employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-I-4

SYSTEM NAME:

Clearance Application and Response Files—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members or employees of the Commission who request authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission during that individual's tenure at the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and current employment status of the requesting individual, as well as the nature of any connection with the proceeding or investigation for which clearance is sought; letters responding to those requests indicating the determination of the Commission and outlining reasons for any denial or restriction; internal Commission memoranda evaluating the request and discussing the status of any relevant pending matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To evaluate applications; to make determinations in response to those applications; to maintain records of consideration given to applications requesting authorization to appear in Commission proceedings; to ensure no conflict of interest between former members or employees of the Commission and active proceedings; to make records of such applications and the agency's responses available within the FTC for historical, legal research, investigational, and similar purposes (*see* FTC-VII-6, Document Management and Retrieval System—FTC); and also to make appropriate portions of such

records available to the public (*see* FTC-I-6, Public Records—FTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed on the FTC's public record under the FTC's Rules of Practice. *See* FTC-I-6, Public Records—FTC.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I. For public portions of this system, see the system notice for FTC-I-6.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The FTC generally maintains these records in paper format, although it can also maintain them in other electronic or non-electronic formats and media (*e.g.*, microfilm, CD-ROMs, other digital files).

RETRIEVABILITY:

Indexed by name of the applicant and by the name of the investigation or proceeding.

SAFEGUARDS:

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel for Legal Counsel, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and Commission staff who prepare the memoranda and response to request.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Copies of records contained in this system that have been placed on the FTC public record are available upon request or from the FTC's Web site, where applicable. *See* FTC-I-6, Public Records—FTC. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-5

SYSTEM NAME:

Matter Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Commission employees, and other participants or parties in Commission investigations, rulemaking, advisory, and law enforcement matters or proceedings. (Businesses, sole proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

For records about past or present Commission employees: name; employee identification number; organization name and code; employee work activities; and specific responsibilities and assignments on individual matters. For others: records related to investigatory, rulemaking, advisory opinion and other matters or proceedings, including name and associated matter number; matter status; alleged or potential law violation; and goods or services associated with the proceeding. The records also include brief descriptions or summaries of planned or actual actions or events during an FTC investigation, rulemaking, court case, or other FTC matter or proceeding. The system also includes records of assignments, votes, circulations, or other activities or actions of the FTC's Commissioners on agency proceedings and matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

This system, currently known within the FTC as Matter Management System 2 (MMS2), is used to record and track the status or occurrence of planned or actual actions and events that may arise in investigations, rulemakings, or other Commission matters, and to generate status or history reports on these actions, events, and matters for use by Commission management and staff, in combination, as needed, with matter-related data from other systems (*e.g.*, FTC-II-13, Staff Time and Attendance Reporting (STAR) System—FTC). Specific purposes of this system (FTC-I-5) include: to maintain records of employee work and Commission law enforcement activities; to make workload and budget determinations and personnel-related evaluations; to assist in investigative and adjudicative proceedings, enforcement actions, civil penalty proceedings, consideration of compliance reports, issuance of cease and desist orders, advisory opinions, and other Commission matters and proceedings; to refer information compiled in system records to experts and consultants when considered appropriate by Commission staff; and to use those records to properly manage Commission resources.

This system includes a subsystem of records (formerly known as the Office of the Secretary Control and Reporting System or OSCAR) to record and keep track of the status of matters pending for a vote or other review or action before the full Commission (*i.e.*, the five Federal Trade Commissioners). The specific purposes of those records include: to process and control assignments made to individual Commissioners; to coordinate the consideration of and votes on appropriate issues; to assist Commissioners and staff in investigative, adjudicative and rulemaking proceedings, enforcement actions, civil penalty proceedings, consideration of compliance reports, issuance of complaints, negotiation of consent orders, issuance of cease and desist orders, advisory opinions, and other matters before the Commission; and to retain records of the matters before the Commission, the Commission's deliberations and decisions concerning those matters, and related documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) May be made available or referred to federal, state, local or international government authorities for investigation, possible criminal prosecution, civil action, regulatory order or other law enforcement purpose; and

(2) May be disclosed on the FTC's public record under the FTC's Rules of Practice. *See* FTC-I-6, Public Records—FTC.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I. For public portions of this system, see the system notice for FTC-I-6 (Public Records—FTC).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

System records are primarily maintained and accessed electronically. The system can generate electronic or printed status or history reports.

RETRIEVABILITY:

Indexed by Commissioner, staff, or other individual name, employee identification number, matter number, respondent's or correspondent's name, company name, industry investigation title, and FTC matter number.

SAFEGUARDS:

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Access to nonpublic electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are being retained indefinitely, pending approval of a proposed retention and disposal schedule by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and Commission staff associated with the matter.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Copies of records contained in this system that have been placed on the FTC public record are available upon request or from the FTC's Web site, where applicable. *See* FTC-I-6, Public Records—FTC. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-6

SYSTEM NAME:

Public Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in Commission investigations, rulemaking, advisory, and law enforcement proceedings; parties requesting formal advisory opinions; and consumers who have received redress or who are entitled to redress pursuant to Commission or court orders. (Businesses, sole proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Public comments and other records that an individual may submit in an agency matter, where such record is subject to routine inspection and copying under the FTC's Rules of Practice, 16 CFR 4.9(b). These records include records that either have become or are likely to become the subject of subsequent requests for substantially the same records under the Freedom of Information Act (FOIA). *See* 5 U.S.C. 552(a)(2)(D). This system (FTC I-6) is limited to files and records that are about an individual, and only when the file or record is pulled (''retrieved'') by the name of that individual or other identifying particular assigned to that individual (*e.g.*, number, symbol, fingerprint, etc.). Public comments received in connection with FTC rulemakings, workshops and consent agreements are also collected on behalf of the FTC and maintained by the Government-wide Federal Docket Management System (FDMS) through a Web site (*www.regulations.gov*). The Environmental Protection Agency (EPA) manages and operates the FDMS on behalf of the Federal Government, and has published a system of records notice to cover the FDMS, including any records collected on behalf of the FTC through that system. *See* EPA-GOVT-2 (FDMS).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Executive Order 10450; Freedom of Information Act, 5 U.S.C. 552; 16 CFR 4.9.

PURPOSE(S):

To make appropriate portions of the records in FTC matters available to the public; to enable members of the public to review and comment on or respond to such comments; to maintain records of Commission activities related to those matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Disclosed on the FTC's public record under the FTC's Rules of Practice, including by posting copies of such records on the FTC's Web site, *www.ftc.gov*, or made public by other electronic or non-electronic means. *See* 16 CFR 4.9(b); or

(2) Disclosed publicly through the FDMS or for any other routine use set forth in the system of records notice published for that system of records, EPA-GOVT-2 (FDMS), or any successor system notice for that system.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Public records are not routinely referred to consumer reporting agencies, but because they are publicly accessible, they can be searched and used by any person or entity outside the FTC, which could include a consumer reporting agency. Disclosure is also authorized under 5 U.S.C. 552a(b)(12) when trying

to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The FTC maintains these records in various electronic and non-electronic formats and media (*e.g.*, paper, microfilm, CD-ROMs, other digital files). The FTC maintains electronic records in this system using a combination of different databases and applications, rather than maintaining them in a single electronic system.

RETRIEVABILITY:

Indexed by respondent's, participant's, or FTC staff member's name; company name; industry investigation title; and FTC matter number.

SAFEGUARDS:

The FTC's Web sites are secured and monitored to protect against unauthorized deletion or alteration of records posted on such sites. Access to the official record copy of such records is restricted, where appropriate, to agency personnel or contractors whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual respondent(s) or proposed respondent(s), company records, complainants, informants, witnesses, participants, and FTC employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-I-7

SYSTEM NAME:

Office of Inspector General Investigative Files—FTC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General (OIG), Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of OIG investigations relating to the programs and operations of the Federal Trade Commission. Subject individuals include, but are not limited to, current and former employees; current and former agents or employees of contractors or subcontractors, as well as current and former contractors and subcontractors in their personal capacity, where applicable; and other individuals whose actions affect the FTC, its programs or operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation and accompanying exhibits; documents, records or copies obtained during the investigation; interview notes, documents and records relating to the investigation; opening reports, information or data relating to alleged or suspected criminal, civil or administrative violations or similar wrongdoing by subject individuals and final reports of investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act Amendments of 1988, Pub. L. 100-504, amending the Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C. app.

PURPOSE(S):

To document the conduct and outcome of investigations; to report results of investigations to other components of the FTC or other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for an action deemed appropriate and for retaining sufficient information to fulfill reporting requirements; and to maintain records related to the activities of the Office of the Inspector General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Disclosed to agencies, offices, or establishments of the executive, legislative, or judicial branches of the federal or state government—

(a) Where such agency, office, or establishment has an interest in the individual for employment purposes, including a security clearance or determination as to access to classified information, and needs to evaluate the individual's qualifications, suitability, and loyalty to the United States Government, or

(b) Where such agency, office, or establishment conducts an investigation of the individual for the purposes of granting a security clearance, or for making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas, or

(c) Where the records or information in those records are relevant and necessary to a decision with regard to the hiring or retention of an employee or disciplinary or other administrative action concerning an employee, or

(d) Where disclosure is requested in connection with the award of a contract or other determination relating to a government procurement, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter, including, but not limited to, disclosure to any Federal agency responsible for considering suspension or debarment actions where such record would be germane to a determination of the propriety or necessity of such action, or disclosure to the United States General Accountability Office, the General Services Administration Board of Contract Appeals, or any other federal contract board of appeals in cases relating to an agency procurement;

(2) Disclosed to the Office of Personnel Management, the Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority or its General Counsel, of records or portions thereof relevant and necessary to carrying out their authorized functions, such as, but not limited to, rendering advice requested by the OIG, investigations of alleged or prohibited personnel practices (including unfair labor or discriminatory practices), appeals before official agencies, offices, panels or boards, and authorized studies or review of civil service or merit systems or affirmative action programs;

(3) Disclosed to independent auditors or other private firms with which the Office of the Inspector General has contracted to carry out an independent audit or investigation, or to analyze, collate, aggregate or otherwise refine data collected in the system of records,

subject to the requirement that such contractors shall maintain Privacy Act safeguards with respect to such records;

(4) Disclosed to a direct recipient of federal funds such as a contractor, where such record reflects serious inadequacies with a recipient's personnel and disclosure of the record is for purposes of permitting a recipient to take corrective action beneficial to the Government;

(5) Disclosed to any official charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in investigative operations. This disclosure category includes members of the President's Council on Integrity and Efficiency, Executive Council on Integrity and Efficiency and officials and administrative staff within their investigative chain of command, as well as authorized officials of the Department of Justice and the Federal Bureau of Investigation;

(6) Disclosed to members of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency for the preparation of reports to the President and Congress on the activities of the Inspectors General; and

(7) Disclosed to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or which they were a victim.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12), to consumer reporting agencies as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3), in accordance with 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The FTC maintains system records in various electronic and non-electronic formats and media. The OIG Investigative Files consist of paper records maintained in file folders, cassette tapes and CD-ROMs containing audio recordings of investigative interviews, and data maintained on computer diskettes and hard drives. The folders, cassette tapes, CD-ROMs and diskettes are stored in file cabinets in the OIG. The hard drives are retained in the OIG safe.

RETRIEVABILITY:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets, which are kept locked during non-duty hours. Records in file folders are retained as long as needed and then destroyed by shredding or burning. Computer disks and CD-ROMs are cleared, retired or destroyed when no longer useful. Entries on electronic media are deleted or erased when no longer needed. To the extent records or portions thereof are incorporated into e-mails or other electronic communications, access to such electronic records is controlled by ''user ID'' and password combination and/or other electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with schedules and procedures issues or approved by the National Archives and Records Administration. Cases that are unusually significant for documenting major violations of criminal law or ethical standards are offered to the National Archives for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Employees or other individuals on whom the record is maintained, non-target witnesses, FTC and non-FTC records, to the extent necessary to carry out OIG investigations authorized by 5 U.S.C. app.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j)(2), records in this system are exempt from the provisions of 5 U.S.C. 552(a), except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and (i) and corresponding provisions of 16 CFR 4.13, to the extent that a record in the system of records was compiled for criminal law enforcement purposes.

Pursuant to 5 U.S.C. 552a(k)(2), the system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the corresponding provisions of 16 CFR 4.13, to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2). *See* 16 CFR 4.13(m).

FTC-I-8

SYSTEM NAME:

Stenographic Reporting Services Request System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC staff who have requested stenographic reporting services for depositions or testimony in FTC proceedings; other FTC staff or contractors involved in processing the request or providing such services; witnesses or other individuals who are deposed or provide testimony at hearings or proceedings in which stenographic reporting services are used. (Businesses, sole proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, phone, mail drop, and FTC organization of the individual requesting stenographic reporting services and other information about the service request, including: date of request; matter number and name; name of managing attorney; time and location where stenographic reporting services are to be provided; name and phone number of contact person at location; name of witness/deponent; type of deposition, hearing, or proceeding; court name and civil action number, if applicable; recording devices to be used; other services requested (*i.e.*, notary, witness or deponent signature); method and timing of performance and delivery; other comments or instructions; name of

stenographic reporting company to be used and contact person; name of FTC staff person processing the request; hearing or service schedule changes, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To track and fulfill FTC staff requests for stenographic services from the agency's stenographic reporting service contractors; to schedule services with such contractors; to provide information necessary for the contractor to render such services; and for other internal administrative purposes, including to ensure that stenographic services are being properly allocated and authorized, to provide statistical data on service usage for agency managerial and budget purposes, and as source for transcript dates and times for incorporation as appropriate into FTC-I-5 (Matter Management System—FTC) and FTC-FTC-VII-6 (Document Management and Retrieval System—FTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Disclosed to and used by FTC contractors for purposes of scheduling and providing FTC staff with stenographic reporting services for depositions and hearings; and

(2) Made part of public record proceedings, to the extent appropriate and necessary to identify the individual being deposed or providing testimony in a hearing, when the hearing is a matter of public record. *See* FTC-I-6, Public Records—FTC.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I. For public portions of this system, see the system notice for FTC-I-6.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Service requests are submitted in paper and electronic format, and data are entered and maintained electronically in a structured database on an internal agency server, and as needed on CD-ROM and/or external hard drives.

RETRIEVABILITY:

Data in the system can be retrieved electronically by the name of the individual being deposed or providing testimony, the individual requesting stenographic services, the managing attorney, the contact person at location where service is to be provided, and the staff person processing the service request, the matter number of the event, or by other data entered in and searchable in the system.

SAFEGUARDS:

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained indefinitely, pending approval of an applicable retention and disposal schedule by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and Commission staff associated with the matter.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Copies of records contained in this system that have been placed on the FTC public record are available upon request or from the FTC's Web site, where applicable. *See* FTC-I-6, Public Records—FTC. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

II. FTC Personnel Systems of Records

FTC-II-1

SYSTEM NAME:

General Personnel Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal Trade Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each category of records may include identifying information such as name(s), date of birth, home residence, mailing address, Social Security number, and home telephone number. This system includes, but is not limited to, the contents of the Official Personnel Folder (OPF) maintained by the FTC's Human Resources Management Office (HRMO) and described in the United States Office of Personnel Management (OPM) Guide to Personnel Recordkeeping and in OPM's Government-wide system of records notice for this system, OPM/GOVT-1. (Non-duplicative personnel records maintained by FTC employee managers in other FTC offices are covered by FTC-II-2, Unofficial Personnel Records—FTC.) Records in this system (FTC-II-1) include copies of current employees' applications for employment, documentation supporting appointments and awards, benefits records (health insurance, life insurance, retirement information, and Thrift Savings Plan information), investigative process documents, personnel actions, other personnel documents, changes in filing requirements, and training documents. Other records include:

a. Records reflecting work experience, educational level achieved, specialized education or training obtained outside of Federal service.

b. Records reflecting Federal service and documenting work experience and specialized education or training received while employed. Such records contain information about past and present positions held; grades; salaries; and duty station locations; commendations, awards, or other data reflecting special recognition of an employee's performance; and notices of all personnel actions, such as appointments, transfers, reassignments,

details, promotions, demotions, reductions in force, resignations, separations, suspensions, approval of disability retirement applications, retirement and removals.

c. Records relating to participation in the Federal Employees' Group Life Insurance Program and Federal Employees Health Benefits Program.

d. Records relating to an Intergovernmental Personnel Act assignment or Federal-private exchange program.

e. Records relating to participation in an agency Federal Executive or SES Candidate Development Program.

f. Records relating to Government-sponsored training or participation in the agency's Upward Mobility Program or other personnel programs designed to broaden an employee's work experiences and for purposes of advancement (*e.g.*, an administrative intern program).

g. Records connected with the Senior Executive Service (SES), for use in making studies and analyses of the SES, preparing reports, and in making decisions affecting incumbents of these positions, *e.g.*, relating to sabbatical leave programs, training, reassignments, and details, that are perhaps unique to the SES and which may or may not be filed in the employee's OPF. These records may also serve as basis for reports submitted to OMB's Executive Personnel and Management Development Group for purposes of implementing the Office's oversight responsibilities concerning the SES.

h. Records on an employee's activities on behalf of the recognized labor organization representing agency employees, including accounting of official time spent and documentation in support of per diem and travel expenses.

i. To the extent that the records listed here are also maintained in the agency automated personnel or microform records system, those versions of the above records are considered to be covered by this system notice. Any additional copies of these records (excluding performance ratings of record and conduct-related documents maintained by first-line supervisors and managers covered by FTC-II-2) maintained by agencies at field or administrative offices remote from where the original records exist are considered part of this system.

j. Records relating to designations for lump sum death benefits.

k. Records relating to classified information nondisclosure agreements.

l. Records relating to the Thrift Savings Plan (TSP) concerning the starting, changing, or stopping of contributions to the TSP as well as the how the individual wants the investments to be made in the various TSP Funds.

m. Copies of records contained in the Enterprise Human Resources Integration (EHRI) data warehouse (including the Central Employee Record, the Business Intelligence file that provide resources to obtain career summaries, and the electronic Official Personnel Folder (eOPF)) maintained by OPM. These data elements include many of the above records along with additional human resources information such as training, payroll and performance information from other OPM and agency systems of records. A definitive list of EHRI data elements is contained in OPM's Guide to Human Resources Reporting and The Guide to Personnel Data Standards.

n. Emergency contact information for the employee (*see*, *e.g.*, FTC Form 75), which is kept on the left side of the OPF.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347; Executive Orders 9397, 9830, and 12107.

PURPOSE(S):

The Official Personnel Folder (OPF) and other general personnel records are the official repository of the records, reports of personnel actions, and the documents required in connection with those actions effected during an employee's Federal service. The personnel action reports and other documents, some of which are filed as long term records in the OPF, give legal force and effect to personnel transactions and establish employee rights and benefits under pertinent laws and regulations governing Federal employment.

The OPF is maintained for the period of the employee's service in the Commission and is then transferred to the National Personnel Records Center for storage or, as appropriate, to the next employing Federal agency. Other records are either retained at the agency for various lengths of time in accordance with National Archives and Records Administration records schedules or destroyed when they have served their purpose or when the employee leaves the agency. They provide the basic source of factual data about a person's Federal employment while in the service and after his or her separation. Records in this system have various uses including: screening qualifications of employees; determining status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing Federal employment; computing length of service; and for other information needed in providing personnel services. These records and their automated or microformed equivalents may also be used to locate individuals for personnel research.

Temporary documents on the left side of the OPF may lead (or have led) to a formal action, but do not constitute a record of it, nor make a substantial contribution to the employee's long term record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Performance Related Uses

(a) To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), where necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit;

(b) To disclose to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant, or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(c) By the agency or by OPM to locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

(d) To provide an official of another Federal agency information needed in the performance of official duties

related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained;

(e) To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law;

(f) To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978;

(g) To disclose to prospective non-Federal employers, the following information about a specifically identified current or former Federal employee:

(i) Tenure of employment;

(ii) Civil service status;

(iii) Length of service in the agency and the Government; and

(iv) When separated, the date and nature of action as shown on the Notification of Personnel Action, Standard Form 50 (or authorized exception);

(h) To consider employees for recognition through quality step increases, and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee recognition;

(i) To consider and select employees for incentive awards and other honors and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee awards or honors;

(j) To disclose information to any member of the agency's Performance Review Board or other board or panel (*e.g.*, one convened to select or review nominees for awards of merit pay increases), when the member is not an official of the employing agency; information would then be used for the purposes of approving or recommending selection of candidates for executive development of SES candidate programs, issuing a performance appraisal rating, issuing performance awards, nominating for Meritorious and Distinguished Executive ranks, and removal, reduction-in-grade, and other personnel actions based on performance;

(k) By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determinations of the qualifications of an individual;

(l) By the Office of Personnel Management for purposes of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual's record; and

(m) As a data source for management information for promotion of summary descriptive statistics and analytical studies in support of the related personnel management functions of human resource studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions;

(2) Training/Education Related Uses

(a) To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (private vendors of training courses or programs, private schools, etc.) for training purposes; and

(b) To disclose information to educational institutions on appointment of a recent graduate to a position in the Federal service, and to provide college and university officials with information about their students working under the Cooperative Education Volunteer Service, or other similar programs where necessary to a student's obtaining credit for the experience gained;

(3) Retirement/Insurance/Health Benefits Related Uses

(a) To disclose information to: the Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, Federal agencies that have special civilian employee retirement programs; or a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (*e.g.*, State unemployment compensation agencies) where necessary to adjudicate a claim under the retirement, insurance or health benefits programs of the Office of Personnel Management or an agency cited above, or to an agency to conduct an analytical study or audit of benefits being paid under such programs;

(b) To disclose to the Office of Federal Employees Group Life Insurance information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance;

(c) To disclose to health insurance carriers contracting with the Office of Personnel Management to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts;

(d) When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled;

(e) To disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under:

(i) Fitness-for-duty examination procedures; or

(ii) Agency-filed disability retirement procedures;

(f) To disclose to a requesting agency, organization, or individual the home address and other relevant information concerning those individuals who, it is reasonably believed, might have contracted an illness, been exposed to, or suffered from a health hazard while employed in the Federal work force; and

(g) To disclose information to the Department of Defense, National Oceanic and Atmospheric Administration, and the United States Coast Guard needed to effect any adjustments in retired or retained pay required by the dual compensation provisions of 5 U.S.C. 5532;

(4) Labor Relations Related Uses

(a) To disclose information to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel; and

(b) To disclose information to officials of labor organizations recognized under 5 U.S.C. 71 *et seq.* when relevant and necessary to their duties of exclusive representation concerning personnel

policies, practices, and matters affecting working conditions; and

(5) Miscellaneous Uses

(a) To provide data to OPM for inclusion in the automated Center Personnel Data File;

(b) To be disclosed for any other routine use set forth in the Government-wide system of records notice published for this system by OPM, *see* OPM/GOVT-1, or any successor OPM system notice that may be published for this system (visit *www.opm.gov* for more information);

(c) To disclose information to a Federal, state, or local agency for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs; and

(d) To locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

See also Appendix I for other ways that the Privacy Act permits the FTC to disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be maintained on standard legal-size and letter-size paper, and in electronic storage media such as personnel system databases and .pdf forms.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. (In addition, FTC HRMO offices are in a locked suite separate from other FTC offices not generally accessible to the public or other FTC staff.) Access to electronic records is controlled by ''user ID'' and password combinations and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

The Official Personnel Folder (OPF) is retained by the Commission as long as the individual is employed with the Commission. The Commission maintains all OPFs according to the most current version of OPM's Guide to Personnel Recordkeeping. When the individual transfers to any Federal agency or to another appointing office, the OPF, with long-term medical records, if any, inserted in a separate envelope, is sent to that agency or office. Other medical records covered by this system (*i.e.*, fitness-for-duty examinations) are considered temporary in nature. Such records, when not submitted to the OPM for retention in a disability retirement file (or submitted, but OPM), shall be destroyed no later than 6 months after closing action on the case or sooner at the discretion of the Commission. Other personnel-related medical records are covered by a separate OPM Privacy Act system of records notice, OPM/GOVT-10.

Long-term records. Within 90 days after the individual separates from the Federal service, the OPF is sent to the National Personnel Records Center for long-term storage. In the case of administrative need, a retired employee, or an employee who dies in service, the OPF is sent to the Records Center within 120 days. Destruction of the OPF is in accordance with General Records Schedule GRS-1. Folders are retained for 65 years from date of last separation from Federal employment.

Other records. These records are retained for varying periods of time. Generally they are maintained for a minimum of 1 year or until the employee transfers or separates.

Some records within the Commission's automated personnel records may be retained indefinitely as a basis for longitudinal work history statistical studies. After the disposition date in GRS-1, such records may not be used in making decisions concerning employees.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II. Current FTC employees may also request access to their records directly through their designated FTC HRMO contact or managers, as applicable, and may be required to complete a written request form and to show identification to obtain access to their records.

Former FTC employees subsequently employed by another Federal agency should contact the personnel office for their current Federal employer. Former employees who have left Federal service and want access to their official personnel records in storage should contact the National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118-4126.

RECORD SOURCE CATEGORIES:

Individual to whom the record applies and agency employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-2

SYSTEM NAME:

Unofficial Personnel Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Commission employees, consultants, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents about the educational background, employment, and work history of individuals. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: written notes or memoranda on employee conduct and performance (*i.e.*, employee evaluation, employee forms, leave records, work assignments, or disciplinary problems), including performance-related records described in the Government-wide system of records notice published by the Office of Personnel Management (OPM) for this system of records, OPM/GOVT-2, or any successor OPM system notice that may be published for this system. There may be records relating to employee

work schedules, consideration given to applicants for positions with the FTC, and ''emergency contact'' information collected by various offices informally.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1104, 3321, 4301-4305; 4311-4315; 5405, 6101-6106; 6301-6326; 6331-6340; 6361-6373; 6381-6387; 6391; 7301-7353; 5 U.S.C. Chapter 75; and Executive Order 12107.

PURPOSE(S):

To assist Commission managers and supervisors in making work assignment, evaluation, and other types of decisions related to the employees of the Federal Trade Commission; to assist in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, coordinating schedules, and preparing news releases; to assist supervisors in the interviewing, evaluation, and selection process when filling position vacancies; and to maintain records of those considerations and actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records identifying the individual's work schedule may be disclosed to that extent and for that purpose to others within or outside the agency;

(2) Records may be referred to the Office of Personnel Management concerning pay benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions; and

(3) Records may also be used or disclosed for any of the purposes or routine uses set forth in the Government-wide systems of records notice published by OPM for this system of records, OPM/GOVT-2, or any successor OPM system notice that may be published for this system. (Visit *www.opm.gov* for more information.)

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, envelopes and in electronic formats.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

A detailed retention schedule for employee performance-related records; which include ratings of record, supporting documentation for those ratings, and any other performance-related material required by agency performance appraisal system, is set forth in OPM/GOVT-2. Additional information is set forth in OPM's Guide to Personnel Recordkeeping for Federal agencies.

Records are generally retained in accordance with GRS-1, items 18 (supervisory personnel files) and 23 (employee performance records):

(1) Certain records from supervisors' personnel files, including correspondence, forms, authorizations, requests for personnel action and other materials on individual employees are destroyed when superseded or obsolete. Records for former employees are destroyed within one year after separation or transfer.

(2) For employee performance-related files, the records for non-Senior Executive Service employees are to be destroyed when 4 years old or no longer needed, as set forth in GRS-1, item 23; for Senior Executive Service (SES) employees, when 5 years old or no longer needed, as set forth in GRS-1, item 23.

Generally, performance records for former employees are retained no longer than one year after the employee leaves. Records on former SES employees may be retained up to 5 years under 5 U.S.C. 4314.

Where any of these records are needed in connection with an administrative, quasi-judicial or judicial proceeding, they may be retained as needed beyond the retention schedules of GRS-1.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office (HRMO), Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II. Current FTC employees may also request access to their records directly through their designated FTC HRMO contact or managers, as applicable, and may be required to complete a written request form and to show identification to obtain access to their records.

Former FTC employees subsequently employed by another Federal agency should contact the personnel office for their current Federal employer. Former employees who have left Federal service and want access to their official personnel records in storage should contact the National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118-4126.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; individual's supervisors; managers; Performance Review Boards; Executive Resource Boards; and other interested parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-3

SYSTEM NAME:

Workers' Compensation—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (*i.e.*, FTC employees) and/or their survivors who file claims seeking benefits under the Federal Employees' Compensation Act (FECA) for injuries sustained by the individual while in the performance of duty. The FECA applies to all civilian Federal employees, including various classes of persons whom provide or have provided personal service to the government of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain the following kinds of records: names; Social Security numbers; reports of

injury by the employee and/or the Commission; claim forms filed by or on behalf of injured employees or their survivors seeking benefits under the FECA; forms authorizing medical care and treatment; other medical records and reports; bills and other payment records; compensation payment records; copies of formal orders for or against the payment of benefits; copies of transcripts of hearings conducted; and any other medical, employment, or personal information submitted or gathered in connection with the claim. The system may also contain information relating to dates of birth, marriage, divorce, and death; notes of telephone conversations conducted in connection with the claim; information relating to vocational and/or medical rehabilitation plans and progress reports; records relating to court proceedings, insurance, banking and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) the claimant may be entitled to; and information received from various investigative agencies concerning possible violations of Federal civil or criminal law. The system may also contain consumer credit reports on individuals indebted to the United States, information relating to the debtor's assets, liabilities, income and expenses, personal financial statements, correspondence to and from the debtor, information relating to the location of the debtor, and other records and reports relating to the implementation of the Federal Claims Collection Act (as amended), including investigative reports or administrative review matters. Individual records listed here are included in a claim file only insofar as they may be pertinent or applicable to the employee or beneficiary.

This system includes only claims-related records maintained by the FTC. Claims are transmitted the United States Department of Labor (DOL) for processing and adjudication. Data maintained by DOL by the Government-wide system of records notice published by DOL for its system of records, *see* DOL/GOVT-1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File) or any successor DOL system notice that may be published for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*, 20 CFR 1.1 *et seq.*

PURPOSE(S):

To consider claims filed by employees and/or their survivors for compensation under FECA based on work-related injuries, and to maintain records concerning such claims. The FECA establishes the system for processing and adjudicating claims that the Commission employee and/or the Commission and other covered individuals file with DOL's Office of Workers' Compensation Programs, seeking monetary, medical and similar benefits for injuries or deaths sustained by the individual while in the performance of duty. The records maintained in this system are created as a result of and are necessary to this process. The records provide information and verification about the individual's employment-related injury and the resulting disabilities and/or impairments, if any, on which decisions awarding or denying benefits provided under the FECA must be based.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Disclosed in response to queries from Department of Labor, Office of Workers Compensation Programs, supervisors and employees about compensation claims; and

(2) Used or disclosed for any purpose or routine use set forth in the system of records notice published by DOL for this system of records, DOL/GOVT-1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File), or any successor DOL system notice that may be published for this system.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

In accordance with DOL/GOVT-1, the amount, status and history of overdue debts, the name and address, Social Security number (or other taxpayer identification number, if any), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt, or when otherwise trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders or temporary electronic files.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of under schedules and procedures approved or issued by the National Archives and Records Administration.

See DOL/GOVT-1 for the retention and disposal schedules that apply to claims files maintained by that agency. In general, all case files and automated data in that system pertaining to a claim are destroyed 15 years after the case file has become inactive. Case files that have been scanned to create electronic copies are destroyed after the copies are verified. Automated data are retained in their most current form only, however, and as information is updated, outdated information is deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office (HRMO), Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* DOL/GOVT-1 for information about the system manager and address for that system.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II. Current FTC employees may also request access to their records directly through their Human Resources contact or managers as applicable and may be required to complete a written form and show identification to obtain access to their records. *See* DOL/GOVT-1 for information about the notification, record access and contesting procedures for claims records maintained by DOL.

RECORD SOURCE CATEGORIES:

Employee claiming work-related injury; beneficiaries; witnesses; FTC supervisors, managers, and responsible FTC HRMO staff; DOL; suppliers of health care products and services and their agents and representatives, including physicians, hospitals, and clinics; consumer credit reports, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

As explained in DOL/GOVT-1, in accordance with 5 U.S.C. 552a(k)(2), investigative materials, if any, in this system of records compiled for law enforcement purposes are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

FTC-II-4

SYSTEM NAME:

Employment Application-Related Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for employment at the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for employment, correspondence, and other records submitted, generated, or otherwise compiled and maintained by the FTC as part of the recruitment, examination, or placement of individuals seeking FTC employment. Records covered by this system are fully described in the Government-wide system of records notice published by the Office of Personnel Management (OPM) for this system of records, OPM/GOVT-5 (Recruiting, Examining, and Placement Records).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; 5 U.S.C. ch. 33, subch. I; 5 U.S.C. 4103; Executive Order 9397.

PURPOSE(S):

To consider individuals who have applied for FTC employment by evaluating and making determinations of their qualifications or ineligibility; to rate and rank applicants for purposes of selecting candidates for employment. As noted in OPM/GOVT-5, records are also maintained and used to help identify training needs and for referral or research purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See OPM/GOVT-5 for a list of routine uses authorized by OPM for records in this system. Those uses include, for example:

(1) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(2) To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purposes of the request, and to identify the type of information requested), when necessary to obtain information relevant to an agency decision concerning hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, letting a contract, or issuing a license, grant or other benefit.

(3) To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, classifying positions, letting a contract, or issuing a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

See also Appendix I for other ways that the Privacy Act allows the FTC to disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic, paper, or other non-electronic records. The FTC (through an FTC contractor and in conjunction with OPM) uses Web sites to collect personal data from applicants for electronic management, processing, and storage. These data can also be downloaded and printed out.

RETRIEVABILITY:

By name, date of birth, Social Security number, and/or identification number assigned to the individual on whom they are maintained, or by other data fields or codes.

SAFEGUARDS:

Access is restricted to FTC personnel and contractors whose job duties require such access. Paper records are maintained in lockable cabinets or offices. Burn bags or shredding is used to destroy printouts, correspondence, or other records containing sensitive data. Access to electronic records is protected by ''user ID'' and password combination and/or other access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with applicable schedules and guidance issued or approved by the National Archives and Records Administration. Retention periods vary depending on the record type and use.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

See OPM/GOVT-5 for information about the system manager and address for OPM's system of records.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Applicants; OPM; applicants' personal references; FTC contractor's Web site.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

See OPM/GOVT-5 and 5 CFR 297.501. Investigatory materials, if any, relating to eligibility determinations, where disclosure may reveal confidential sources, in this system are exempted under 5 U.S.C. 552a(k)(5).

FTC-II-5

SYSTEM NAME:

Equal Employment Opportunity Statistical Reporting System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded minority group designations and other data relevant to equal employment opportunity (EEO) at the FTC; other employee identification data (*e.g.*, position, grade, office or duty station).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 7201, 7204; Executive Order 10577; 42 U.S.C. 2000e-16; Pub. L. 93-112.

PURPOSE(S):

To maintain EEO-related data about the FTC workforce; to protect and limit access to such workforce data by collecting and maintaining such data separately from certain other human resources records about employees; to provide the FTC's EEO Office with data necessary to create general statistical analyses and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data from system records are disclosed only in aggregate, non-individually identifiable form in analyses and reports generated for use within the FTC and for reporting to Congress, the Office of Management and Budget, the Equal Employment Opportunity Commission, and the Office of Personnel Management, as required by law.

See Appendix I for other ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data from information collection forms completed by FTC employees are entered into and stored in a structured electronic database maintained on agency servers, with restricted access (*see* ''Safeguards'' below). Paper forms are compiled and kept in the FTC's EEO Office.

RETRIEVABILITY:

Indexed by name of individual, name of group, or by cross-reference to title and grade or other human resources data fields or codes.

SAFEGUARDS:

Access is restricted to FTC personnel or contractors whose job duties require such access. Initial receipt and handling of information collection forms, as well as entry of data into computerized databases, is limited to authorized FTC individuals. Information collection forms are forwarded to and stored in lockable cabinets and offices within the FTC's EEO Office. Completed forms and system data are stored and maintained separately from other human resources records to prevent access or use by unauthorized individuals. Access to electronic records is controlled by ''user ID'' and password combination, and may be obtained only by written authorization of the FTC's EEO Director. System database is further protected by other network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with schedules and guidance issued or approved by the National Archives and Records Administration. *See, e.g.*, General Records Schedule 1.25.f (EEO-related employment statistics), which authorizes disposal after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Self-identification by employee (*e.g.*, on information collection forms completed by the employee); visual identification of employees or other personal information or knowledge used by FTC Human Resources or other staff for coding EEO-related data into the system; employee identification data from other human resources record systems (*e.g.*, FTC-II-I, General Personnel Records—FTC).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-6

SYSTEM NAME:

Discrimination Complaint System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past or present Federal Trade Commission employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, affidavits, supporting documents, memoranda, correspondence, and notes relevant to and compiled during precomplaint and complaint investigations and matters at the FTC; investigatory files and reports incorporating copies of such records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16; 29 CFR part 1614.

PURPOSE(S):

To assist in the consideration given to reviews of potential or alleged violations of equal employment opportunity (EEO) statutes and regulations and to maintain records on precomplaint and complaint matters relating to those issues; for the purpose of counseling, investigating, and adjudicating such complaints; to resolve issues related to alleged discrimination because of race, national origin, religion, sex, age, and physical or mental handicap related to EEO matters; to

make reports to Office of Management and Budget, Merit Systems Protection Board, and Equal Employment Opportunity Commission. (This system corresponds to EEOC/GOVT-1, Equal Employment Opportunity in the Federal Government Complaint and Appeal Records.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system of records notice published for this system by the EEOC (EEO/GOVT-1) sets forth the routine uses (disclosures) of records in this system outside the agency. (For further information, the EEOC's Web site is *www.eeoc.gov*.)

In addition, records in this system may be routinely used and/or disclosed:

(1) To the complainant's lawyer or other formally designated representative of the individual, to the extent required by applicable Federal sector equal employment law and regulations. Portions of the investigatory file may be redacted to protect against disclosure outside the agency of information about individuals other than the complainant.

(2) As relevant and necessary in administrative hearings and appeals to which the complainant and the FTC are parties before the EEOC, including any related court litigation or appeals.

See Appendix I for other ways that the Privacy Act permits the FTC to use and disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Documents consist mainly of paper records; certain records (*e.g.*, draft memoranda, letters, e-mails) may be generated or maintained electronically.

RETRIEVABILITY:

Indexed by name of the complainant.

SAFEGUARDS:

Access is restricted to FTC personnel and contractors whose responsibilities require access. Paper records are maintained in lockable cabinets in the FTC's EEO Office, and access is restricted to FTC's EEO staff and parties concerned in any related proceeding. Access to electronic records is controlled by ''user ID'' and password combination, and/or other appropriate electronic access and network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are to be maintained for one year after resolution of the case and then transferred to the Federal Records Center where they are destroyed after three years. *See* EEOC/GOVT-1.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained, affiants, and EEO staff, other personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

As provided in EEOC/GOVT-1, pursuant to subsection (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory materials, if any, compiled for law enforcement purposes in this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Act.

FTC-II-7

SYSTEM NAME:

Ethics Program Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission officials and employees required by FTC regulations to file statements of employment and financial interests, to enter into ethics agreements, or to obtain clearance or approval for travel reimbursements or outside employment. This system corresponds to the systems described and covered by the Government-wide system of record notices (SORNs) issued by the Office of Government Ethics (OGE) for agency ethics program records. *See* OGE/GOVT-1 (Executive Branch Personnel Public Financial disclosure Reports and Other Name-Retrieved Ethics Program Records); OGE/GOVT-2 (Executive Branch Confidential Financial Disclosure Reports). Visit OGE's Web site, *www.oge.gov*, for more information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of employment and financial interests (containing name, organization, statement of personal and family holdings and other interests in business enterprises and real property, listings of creditors and outside employment, opinions of counsel, and other information related to conflict of interest disclosures and determinations); ethics agreements; and other disclosure forms. This system also includes FTC employee requests for and documentation of ethics clearance or approval of travel reimbursements or outside employment, as well as other name-retrieved ethics records on FTC employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Ethics in Government Act of 1978, 5 U.S.C. app.; Ethics Reform Act of 1989, Pub. L. 101-194; 5 CFR parts 735 & 2634, and other applicable ethics-related laws, rules, and Executive Orders.

PURPOSE(S):

To meet Federal requirements regarding the filing of employment and financial interest statements; and to assist senior Commission employees and members of the General Counsel's Office to review statements of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists and, if so, to ensure that appropriate action is taken to remove the conflict; to ensure that travel reimbursements are accepted only from qualified non-Federal sources; to comply with other ethics program requirements under Federal law, policy and regulation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed for any of the routine uses set forth in OGE/GOVT-1 and OGE/GOVT-2, as applicable. In addition, records in this system may be disclosed to a source when necessary to obtain information relevant to a conflict of interest investigation or determination.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as may be authorized under OGE/GOVT-1 or OGE/GOVT-2, or under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic and paper records.

RETRIEVABILITY:

By name of Commission official or employee.

SAFEGUARDS:

Access is restricted to agency personnel and contractors whose responsibilities require access. Paper records are maintained in lockable file cabinets and offices. Access to electronic records is controlled by ''user ID'' and password combination and other access and network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

In accordance with the National Archives and Records Administration General Records Schedules for ethics program records, these records are generally retained for a period of six years after filing, or for such other period of time as is provided for in that schedule for certain specified types of ethics records. In cases where records are filed by, or with respect to, a nominee for an appointment requiring confirmation by the Senate when the nominee is not appointed and Presidential and Vice-Presidential candidates who are not elected, the records are generally destroyed one year after the date the individual ceased being under Senate consideration for appointment or is no longer a candidate for office. However, if any records are needed in an ongoing investigation, they will be retained until no longer needed in the investigation. Destruction is by shredding or electronic deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Designated Agency Ethics Officer, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-8

SYSTEM NAME:

Employee Adverse Action and Disciplinary Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former FTC employees who have been disciplined or had a performance-based action taken against them, or who have a proposed disciplinary or performance-based action against them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and records related to adverse actions and performance-based actions (removal, suspension, reduction-in-grade, furlough) against employees. The file can include a copy of the proposed adverse action with supporting documents, statements of witnesses, employee's reply, hearing notices, reports, agency decisions, reversal of action, and appeal records. Other types of records are set out in the Office of Personnel Management (OPM) Privacy Act system of records notice applicable to this system, OPM/GOVT-3 (Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers), or any successor system notice for this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4301 *et seq.*; 5 U.S.C. 4311 *et seq.*; 5 U.S.C. 7101 *et seq.*; 5 U.S.C. 7501 *et seq.*; 5 U.S.C. 7511 *et seq.*; 5 U.S.C. 7541 *et seq.*; and 5 CFR parts 293, 315, 432 & 752.

PURPOSE(S):

To document proposed and final agency decisions on disciplinary actions, adverse actions, and performance-based actions in order for them to be defensible before third-party review.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed for any of the routine uses set forth in OPM/GOVT-3.

In addition, records in this system:

(1) Including records of disciplinary actions, adverse actions and performance-based actions, may be disclosed to and used by employee relations specialists or others whose official duties require such information;

(2) Including records of official time used and travel and per diem money spent while attending to union business, may be disclosed to and used by labor relations specialists and others whose official duties require such information. Information in system records may also be disclosed to officials of labor organizations recognized under 5 U.S.C. 7101 *et seq.* when relevant and necessary to their duties as exclusive representative; and

(3) May be disclosed to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as may be authorized under OPM/GOVT-3, or under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper format in file folders; portions may also be temporarily stored in electronic formats.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to any electronic records is controlled by ''user ID'' and password combination and/or other appropriate access or network controls (*e.g.*, firewalls). FTC buildings

are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Hard copy records are destroyed seven years after case is closed in accordance with General Records Schedule 1, item 30, issued by the National Archives and Records Administration. Temporary electronic files are destroyed when the agency determines that they are no longer needed for reference purposes in accordance with General Records Schedule 20.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the records pertain, witnesses, supervisors, program managers, counselor, related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-9

SYSTEM NAME:

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information relating to incidents in which the FTC may be liable for property damage, loss, or personal injuries; reimbursement applications; internal memoranda; and witness statements

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 1346(b), 28 U.S.C. 2671-2680; Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3721.

PURPOSE(S):

To consider claims made under the above-cited statutes; to investigate those claims; to determine appropriate responses to those claims; and to maintain records outlining all considerations and actions related to those claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) May be referred to Department of Justice, General Services Administration, or other federal agency when the matter comes within the jurisdiction of such agency; and

(2) May be used in discussions and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in file folders; temporary electronic files.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained for 6 years and 3 months after the matter has been resolved, and then destroyed, as provided in General Records Schedule 6, issued by the National Archives and Records Administration, except any claims files that are affected by court order or subject to litigation proceedings, which are destroyed when the court order is lifted or the litigation is concluded, or when the files are 6 years and 3 months old, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel for Legal Counsel, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

Assistant Chief Financial Officer for Financial Systems, Internal Control and Policy, Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, N.W. 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record pertains (claimant); FTC employee involved in incident; other FTC employees or other persons having knowledge of the circumstances; official police report (if any); and insurance company representing claimant (if any).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-10

SYSTEM NAME:

Employee Health Care Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FTC employees or others who receive services through on-site health units at FTC facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, medical reports, opinions, evaluations, diagnoses and treatment information; and other records of the type described in the Privacy Act system of records notice published by the Health and Human Services' Program Service Center (HHS/PSC) for System No. 09-40-0005 (Public Health Service (PHS) Beneficiary-Contract Medical/Health Care Records), or any successor system notice for that system. The FTC currently has an interagency

contract with HHS/PSC, which, in turn, uses private contractors to provide nursing, vaccination, and other miscellaneous on-site health care services to FTC employees.

This system (FTC-II-10) excludes other medical records, if any, that may be compiled or maintained by the FTC or a contractor on the FTC's behalf about FTC employees resulting from a condition of the individual's employment (*e.g.*, fitness-for-duty examination, drug testing) or on-the-job occurrence (*e.g.*, medical injury report). Those records, if any, are described in and covered by the Office of Personnel Management (OPM) Privacy Act system of records notice for such records, OPM/GOVT-10 (Employee Medical File System Records), or any successor system notice for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. chapters 11, 63, 81, 83, and 84; 42 U.S.C. 216.

PURPOSE(S):

To maintain records concerning medical treatment administered to employees while on the job; to maintain continuity of care and evaluation; to furnish documentary evidence of the course of the patient's medical evaluation and treatment; to document communications between the responsible practitioner and any other health professionals contributing to the individual's health care and treatment; to verify the individual's eligibility for certain services; for quality assurance (*e.g.*, to help monitor and evaluate a contractor's performance in delivering services).

See OPM/GOVT-10 for a description of the purposes for which the agency may compile and maintain other employee medical records, if any, that are described in and covered by that OPM system notice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be:

(1) Used to disclose information to the Department of Labor, Department of Veterans Affairs, Social Security Administration, Federal Retirement Thrift Investment Board, or a national, state, or local Social Security-type agency, when necessary to adjudicate a claim (filed by or on behalf of the individual) under a retirement, insurance, or health benefit program;

(2) Used to disclose information to a Federal, state, or local agency to the extent necessary to comply with laws governing reporting of communicable diseases;

(3) Used to disclose information to the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, arbitrators, and hearing examiners to the extent necessary to carry out their authorized duties;

(4) Used to disclose information to health insurance carriers contracting with the Office of Personnel Management to provide a health benefits plan under the Federal Employees Health Benefits Program information necessary to verify eligibility for payment of a claim for health benefits, and to disclose information to the Office of Federal Employees Group Life Insurance or Federal Retirement Thrift Investment Board that is relevant and necessary to adjudicate claims;

(5) Used to disclose information, when an individual to whom a record pertains is mentally incompetent or under other legal disability, to any person who is responsible for the care of the individual, to the extent necessary, and to disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under agency-filed disability retirement procedures;

(6) Used to disclose to a requesting agency, organization, or individual the home address and other information concerning those individuals who it is reasonably believed might have contracted an illness or been exposed to or suffered from a health hazard while employed in the Federal work force; and

(7) May be disclosed, to the extent they reflect information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc., as required by health providers and facilities by State law or regulation of the department of health or other agency of the State or its subdivision in which the facility is located. Disclosures will be made to organizations as specified by the State law or regulation, such as births and deaths to the vital statistics agency and crimes to law enforcement agencies.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders. Some information may be stored temporarily in electronic format (*e.g.*, e-mails, electronic files).

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained according to schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the records are maintained, treating nurses or other medical staff, witness statements, supervisors/managers and other agency officials, and others.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-11

SYSTEM NAME:

Personnel Security, Identity Management, and Access Control Records System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. System data pertaining to identity management are maintained separately off-site by an FTC contractor. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FTC employees, contractor staff, or other individuals who have requested, been issued, and/or used FTC identification for access to FTC and/or other Federally controlled facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, security investigation reports, adjudication files, card files, and position sensitivity designation files, and other data compiled, generated or used for personnel security clearance; fingerprints, photographs, signatures, and other personal data collected or used in connection with the issuance of FTC identification (credentials); time, date, location, or other data, logs, tapes, or records compiled or generated when such credentials are used to obtain physical or logical access to FTC facilities or resources.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Homeland Security Presidential Directive—12 (HSPD-12).

PURPOSE(S):

To conduct personnel security investigations; to make determinations required based upon the results of those investigations; and to maintain records of the investigations and determinations; to issue credentials that comply with Government-wide standards issued under HSPD-12, or to issue other non-HSPD-12 temporary identification for access to FTC facilities or resources; to maintain logs or other records of such logical and physical access by FTC staff, contractors, or other individuals; to detect, report and take appropriation action against improper or unauthorized issuance or use of FTC credentials, and unauthorized access to or use of FTC facilities and resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records in this system may be used to disclose to an agency in the executive, legislative, or judicial branch, in response to its request, information on the issuance of a security clearance or the conducting of a security or suitability investigation on individuals who, at the time the records are added to the system, were Commission employees.

(2) Access logs, tapes, or other system records may be reviewed or referred and disclosed to police or other law enforcement personnel for purposes of investigating possible criminal or other illegal activity of individuals who have accessed FTC facilities or resources.

See Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic records, tapes, or other digital or non-digital media. Identity management system data are maintained in an off-site database maintained and operated by a contractor on behalf of the FTC.

RETRIEVABILITY:

Paper records indexed by individual's name. Electronic records searched and retrieved by name or other data fields or codes.

SAFEGUARDS:

Access to personnel security files is restricted to FTC Personnel Security staff, and such files are maintained in a combination-locked safe and lockable metal file cabinets, in locked rooms. Personnel investigation reports may be reviewed by an agency official (who has been subject to a favorable background investigation) only on a strict need-to-know basis. Identity management system (IDMS) data are collected, maintained and accessed only by authorized individuals. IDMS data are not maintained with other data on agency network servers, but are transferred by dedicated telephone data lines for off-site vendor storage, management and security. Security systems and equipment that electronically log or record usage of FTC-issued credentials to obtain access to FTC facilities or resources are secured electronically and physically (*e.g.*, recording and video monitoring equipment and servers in rooms accessible only by authorized key cards). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Personnel investigation reports are retained for 15 years or until an employee separates from the agency. Records of adjudicative actions are maintained for two years. Other records in this system are retained and destroyed in accordance with applicable retention and disposal schedules and guidance issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Administrative Services Office, Office of the Executive Director, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual requesting or requiring FTC identification for logical or physical access purposes; Office of Personnel Management Security Investigations Index, FBI Headquarters investigative files, fingerprint index of arrest records, Defense Central Index of Investigations, previous employers, references identified by record subject individual, school registrars, and responsive law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5), records in this system, to the extent such records have been compiled to determine suitability, eligibility, or qualifications for employment or other matters, as set forth in the cited Privacy Act provision, and would reveal the identity of a confidential source, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-II-12

SYSTEM NAME:

Training Reservation System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are FTC

employees who registered to attend training courses offered by the Human Resources Management Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee identification number, course number, course title, course date and time, and attendance indicator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; 5 U.S.C. ch. 41; 5 CFR 410.701.

PURPOSE(S):

To provide information to agency managers necessary to indicate the training that has been requested and provided to individual employees; to determine course offerings and frequency; and to manage the training program administered by the Human Resources Management Office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix I for ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic record systems and temporary paper printouts.

RETRIEVABILITY:

Indexed by employee identification number and name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access and network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Employee training records are generally retained according to General Records Schedule (GRS) 1, Item 29, issued by the National Archives and Records Administration. Temporary electronic files are destroyed when the agency determines that they are no longer needed for reference purposes in accordance with GRS 20. Other materials, including inputs and hard copy printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-to-day business needs, are destroyed when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained, supervisors, managers, and Human Resources Management Office staff responsible for the training program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-II-13

SYSTEM NAME:

Staff Time and Activity Reporting (STAR) System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee names; staff time reported in hours, by mission, organization, and specific FTC matter, activity, or program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C., subtitle III, chapter 35; 31 U.S.C. 1104, 1105, and 1115; 5 U.S.C. 306; OMB Circular A-11; OMB Bulletin 97-01.

PURPOSE(S):

To track the time spent by FTC staff on individual investigations, projects, and other activities of the agency and to compare expended staff time against statutory mandates and FTC policy; to generate program and performance information for annual budget submissions, Government Performance and Results Act (GPRA) plans and reports, and agency financial statements that are provided to Congress, the Office of Management and Budget (OMB), the Commission, and others.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to or shared with Congress, OMB, or others where relevant and necessary in connection with annual budget submissions, GPRA plans and reports, and agency financial statements.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in an electronic database. Paper may be used for inputs and paper printouts generated by the database. Records are stored either on site or at an off-site managed information storage facility.

RETRIEVABILITY:

Indexed by employee name and by various codes for mission, organization and specific FTC matter, activity, or program.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained in accordance with the applicable National Archives and Records Administration General Records Schedule(s) (GRS), including portions of GRS 8 and 20. Most system records are stored at least 3 years after

the close of a case or project matter in order to accumulate data for use in cost reports. Other materials, including inputs and hard copy printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-to-day business needs, are destroyed when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Financial Management Office, Office of the Executive Director, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

FTC employees and consultants, including staff responsible for STAR data entry, STAR coordinators, STAR administrative officers, STAR approving officials, and STAR administrators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

III. FTC Financial Systems of Records

FTC-III-1

SYSTEM NAME:

Personnel Payroll System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where system records may be maintained or accessed.

Federal Personnel Payroll System (FPPS) Management Division, U.S. Department of Interior, National Business Center, 7301 West Mansfield Avenue, Denver, CO 80227.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal Trade Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, Social Security number, and organizational code; pay rate and grade, retirement, and location data; length of service; pay, leave, time and attendance, allowances, and cost distribution records; deductions for Medicare or FICA, savings bonds, FEGLI, union dues, taxes, allotments, quarters, charities, health benefits, Thrift Savings Fund contributions, awards, shift schedules, pay differentials, IRS tax lien data, commercial garnishments, child support and/or alimony wage assignments; and related payroll and personnel data. Also included is information on debts owed to the government as a result of overpayment, refunds owed, or a debt referred for collection on a transferred employee.

These records are also covered by the applicable system notice published by the Department of Interior (DOI), DOI-85 (Payroll, Attendance, Retirement, and Leave Records—Interior), and any successor system notice that may be published by DOI for this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 of the United States Code, Part III, Subparts A-G; 31 U.S.C. 3512; 5 U.S.C. 5101 *et seq.*; Pub. L. 81-784, 64 Stat. 832; Joint Financial Management Improvement Program (JFMIP), Human Resources & Payroll System Requirements, JFMIP-SR-99-5 (April 1999).

PURPOSE(S):

To maintain, process and/or provide complete, accurate, and prompt: (a) payment of salary and deductions; (b) payroll information relating to retirement contributions, including the calculation of retirement benefits; (c) generation and maintenance of human resources and payroll records and transactions; (d) interaction of human resources and payroll systems with core financial systems; (e) adequate internal controls to ensure that human resources and payroll systems are operating in accordance with applicable laws and regulations; and (f) information, without extraneous material, to those internal and external to the agency who require the information, including the answering of employees' inquiries regarding their retirement contributions while they are with the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) That identify the individual's work schedule may be disclosed to that extent, and for that purpose, to others within or outside the agency;

(2) To the extent they contain information about an individual's unemployment compensation, may be referred to state and local unemployment compensation boards;

(3) To the extent they contain information about employment pay, benefits, retirement deductions, and other information necessary for the Office of Personnel Management (OPM) to carry out its Government-wide personnel management functions, may be referred to OPM for such purposes;

(4) May be referred to OPM upon the individual's retirement, transfer to another Federal agency, or resignation from Federal service; and

(5) May be disclosed for any routine use noted in the Department of Interior (DOI) Privacy Act system of records notice applicable to this system, DOI-85 (Payroll, Attendance, Retirement, and Leave Records—Interior), or any successor system notice for this system.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on computer tape at the U.S. Department of Interior, National Business Center, which processes employee payroll for the FTC under an interagency agreement. Paper printouts or original input documents may be stored at the FTC in locked file cabinets or as imaged documents on magnetic media at all locations that prepare and input documents and information for data processing.

RETRIEVABILITY:

Indexed by name, Social Security number, and organizational code.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access controls. FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

The records in this system have varying retention periods as described in the National Archives and Records Administration's General Records Schedule 2. Records are held for length of the service of the employee while he

or she is at FTC. Information is forwarded to OPM at the end of the employee's FTC service. Other materials, including inputs and printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-to-day business needs, are destroyed when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes according to General Records Schedule 20.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Budget and Finance, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

Director, Human Resources Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

See DOI-85 for the FPPS system manager and address.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained, official personnel records of individuals on whom the records are maintained, supervisors, timekeepers, previous employer, and the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-III-2

SYSTEM NAME:

Travel Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Financial Management Office, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, DC 20580. This system of records is principally operated and maintained off-site by an FTC contractor, although this system is also intended to include any miscellaneous official FTC travel data that may be maintained on-site by individual FTC offices and retrieved by name or other personally assigned identifier about individuals on official FTC travel. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees or other individuals (*e.g.*, witnesses) who travel on official business; FTC administrative staff who perform administrative tasks in the system on behalf of traveling employees or other individuals; and FTC supervisors who approve travel plans for employees or others.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, Social Security numbers, home and/or business phone numbers, home and/or business addresses, vendor ID numbers, e-mail addresses, emergency contact information (names, addresses, and phone numbers), and credit card information (personal and/or government-issued). For traveling FTC employees or other individuals (*e.g.*, witnesses) only, additional data may be maintained, such as passport numbers (for international travelers), frequent flyer or other rewards membership numbers, and trip-specific information (travel dates, flight numbers, destinations, accommodations, vehicle rental, miscellaneous expenses claimed).

Other types of records covered by this system are set out in the General Services Administration (GSA) Privacy Act system of records notice applicable to this system, GSA/GOVT-4, or any successor system notice for this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 USC 3511, 3512 and 3523; 5 U.S.C. Chapter 57; and implementing Federal Travel Regulations (41 CFR parts 301-304).

PURPOSE(S):

To plan, authorize, arrange, process and manage official FTC travel; to maintain records on individuals who are current FTC employees on travel and individuals being provided travel by the Government; to obtain travel authorizations; to prepare and submit local travel vouchers; to generate travel expense reports; and to enable travel agents who are under contract to the Federal government to issue and account for travel provided to individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) For any routine use noted in the GSA Privacy Act system of records notice applicable to this system, GSA/GOVT-4, or any successor system notice for this system.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized by GSA/GOVT-4, or under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are entered into system database by traveling individuals and/or administrative staff through system Web site and stored electronically; temporary paper printouts. Miscellaneous travel data maintained by individual FTC offices are stored in electronic files on secured agency servers.

RETRIEVABILITY:

Indexed by individual name and travel order number.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures. *See* GSA/GOVT-4 for additional safeguards applicable to electronic records in this system that are maintained by the FTC's contractor.

RETENTION AND DISPOSAL:

See National Archives and Records Administration (NARA) General Records Schedule (GRS) 9 for Travel and Transportation Records, and GRS 20 for Electronic Records. Electronic data are available online as detailed records for at least 36 months, and are available as retrievable archived records for at least 6 years and 3 months, pursuant to NARA guidelines regarding record disposition, as provided in 36 CFR 1228 and 1234. Records that meet the criteria for disposition may be purged from the system database. Other materials, including inputs and hard copy printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-to-day business needs, are destroyed when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes according to the GRS.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Financial Management Office, Federal Trade Commission, 600 Pennsylvania Ave. N.W.,Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Traveling employees or other individuals (*e.g.*, witnesses), FTC administrative staff, FTC supervisors, credit card companies and travel service providers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-III-3

SYSTEM NAME:

Financial Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

(1) Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580;

(2) National Business Center, U.S. Department of the Interior, 7301 West Mansfield, Denver, CO 80235; and

(3) Office of Federal Systems and Services, National Business Center, U.S. Department of the Interior, 12201 Sunrise Valley Drive, Room 6A231, MS-206, Reston, VA 20192.

See Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who claim reimbursement from the FTC for travel or other reimbursable expenses personally incurred; individuals doing business as sole proprietors; individuals who are reimbursed by the FTC for travel or other miscellaneous expenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

For current and former FTC employees, records include names, home addresses, employee supplier numbers, Social Security numbers, banking account numbers for electronic fund transfer payments, invoices and claims for reimbursements.

For non-employee individuals and sole proprietors, records include names, home or business addresses, Social Security numbers, banking account numbers for electronic fund transfer payments, invoices and claims for reimbursement. Records in this system are subject to the Privacy Act only to the extent, if any, they are about an individual within the meaning of the Act, and not if they are about a business or other non-individual.

This system is also covered by the system notice published by the Department of Interior (DOI) for this system, DOI-90 (Federal Financial System), or any successor system notice published by DOI for this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4111(b), 5514, 5701 *et seq.*; 26 U.S.C. 6103(m); 31 U.S.C. 3512, 3711, 3716; 41 CFR parts 301-304; U.S. Treasury Financial Manual.

PURPOSE(S):

To perform core accounting functions, which includes but is not limited to supporting and documenting expenses incurred in the performance of official agency duties; to bill and follow-up; to pay creditors; to account for goods and services received; to account for funds paid and received; and to process travel authorizations and claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) May be disclosed for any routine use noted in the Department of Interior Privacy Act system of records notice applicable to their system, Federal Financial System, DOI-90, or any successor system notice for this system; and

(2) To the extent they pertain to FTC acquisition activities, may be transmitted or disclosed to the General Service Administration's Federal Procurement Data System, a central repository for statistical information on Government contracting, for purposes of providing public access to Government-wide data about agency contract actions.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic disks and tape and on paper.

RETRIEVABILITY:

Records are retrievable electronically, and are indexed or indexable by virtually any data field available (*see* record categories above).

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other network access or security controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained in accordance with the applicable National Archives and Records Administration schedules, including portions of General Records Schedules 6, 7, 9 and 20. Most records, including general accounts ledgers and voucher forms, are maintained for a minimum of six years and three months. Other materials, including hard copy printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-to-day business needs, are destroyed when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief Financial Officer, Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580;

(2) The following system manager has overall responsibility for the Federal Financial System: Director, Office of Financial Management, U.S. Department of the Interior, 1849 C Street NW., MS-5412 MIB, Washington, DC 20240; and

(3) The following system managers have responsibility for the management and operation of the computing centers through which the Federal Financial System has been implemented:

(a) Director, Office of Federal Systems and Services, National Business Center, U.S. Department of the Interior, 12201 Sunrise Valley Drive, Room 6A231, MS-206, Reston, VA 20192; and

(b) Chief, Financial Systems Division, Products and Services, National Business Center, MS D-2700, 7301 West Mansfield Avenue, Denver, CO 80235-2230.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Employees and former employees seeking reimbursement from the FTC for expenses personally incurred, vendor as a corporate entity or federal agency, individual vendor (*e.g.*, sole

proprietors), and individual point of contact for a vendor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-III-4

SYSTEM NAME:

Automated Acquisitions System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former agency vendors, if any, who are ''individuals'' within the meaning of the Privacy Act; FTC staff who have requisitioned goods or services; FTC authorizing officials; FTC staff who are on the routing list for the requisition.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of vendor; business address, business telephone, tax identification number (*i.e.*, employer identification number or Social Security number), and bank routing and account number(s); supporting documents and related correspondence from active contracts and also from pending contracts prior to formal acceptance; name, phone or other administrative point-of-contact information for FTC staff involved in the requisition. Records in this system are subject to the Privacy Act only to the extent, if any, they are about an individual within the meaning of the Act, and not if they are about a business or other non-individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3512; 41 U.S.C. 401 *et seq.*; Federal Acquisition Regulation, 48 CFR.

PURPOSE(S):

To manage the work and fulfillment process for the procurement (acquisition) of goods and services by the FTC, and provide short-term electronic storage of FTC procurement records; to help prepare agency financial reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system pertaining to FTC acquisition activities may be transmitted or disclosed to the General Service Administration's Federal Procurement Data System, a central repository for statistical information on Government contracting, for purposes of providing public access to Government-wide data about agency contract actions.

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data entered and stored in a structured electronic database using a commercial software application. Paper may be used for inputs and paper printouts generated by the database. Records are stored either on site or at an off-site managed information storage facility.

RETRIEVABILITY:

Indexed by requisition number, contract number, vendor name and number.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other network access or security controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures. This system is also subject to periodic internal reviews and annual audits by the FTC Office of the Inspector General.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration (NARA). Retention periods vary depending on the nature of the record. See, *e.g.*, NARA General Records Schedule (GRS) 3 and 20. Other materials, including inputs and hard copy printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-to-day business needs, are destroyed when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Acquisitions Branch, Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Vendors, FTC staff who requisition goods or services.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-III-5

SYSTEM NAME:

Employee Transportation Program Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present FTC employees who have applied for public transportation subsidies from the FTC to commute for work, or who may apply to participate in other employee transportation-related programs (*e.g.*, parking garage permits) that the FTC may administer from time to time, if any.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subsidy application forms (*e.g.*, FTC Forms 987, 987-A) containing information such as the employee's name, home address, other contact identifying data, mode of transportation, estimated commuting costs, amount of subsidy being sought, and signed certification; miscellaneous reports, forms, vouchers, or other records, to the extent, if any, maintained in the system and retrieved by the employee's name or other assigned personal identifier, relating to the disbursement or discontinuation of subsidies to the employee. Other data collected and maintained for employee transportation-related programs may include employee data that is relevant and necessary for participating in and administering such programs (*e.g.*, drivers' licenses for garage parking permits).

Data transmitted by the FTC to the U.S. Department of Transportation (DOT), which administers and distributes the transit subsidies for FTC

employees, are described in and covered by the system notice published by DOT for that system, DOT/ALL 8 (Employee Transportation Facilitation), or any successor system notice for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7905 note; Pub. L. 103-172; Executive Order 13150.

PURPOSE(S):

Transit subsidy records are collected and maintained to implement Federal law encouraging Federal employees to use public transportation for commuting to and from work. Such records are used to authorize subsidies for qualified FTC employees to help cover such commuting costs; to ensure the accurate and timely disbursement of subsidies to such employees; and to audit and otherwise detect or prevent fraud or abuse, if any, of such subsidies. Other employee transportation program records may be collected and maintained to administer those programs, including for building security purposes (*e.g.*, drivers' license numbers maintained for individuals who have been issued garage parking permits).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system:

(1) May be disclosed to the U.S. Department of Transportation (DOT) for purposes of processing and distributing subsidies to FTC employees and verifying employee compliance with program rules, and may be used and disclosed by DOT under the routine uses set forth in the applicable DOT system notice, DOT/ALL 8 (Employee Transportation Facilitation), or any successor system notice for that system; and

(2) May be disclosed to other investigatory or law enforcement authorities, where necessary, to investigate, prosecute, discipline, or pursue other appropriate action against suspected program fraud or abuse, if any.

See Appendix I for other ways that the Privacy Act allows the FTC to use and disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper format. Copies of transit subsidy applications are sent by facsimile transmission to the Department of Transportation.

RETRIEVABILITY:

Records are maintained and retrieved alphabetically by employee's last name.

SAFEGUARDS:

Access is restricted to FTC personnel or contractors whose responsibilities require access. Records are maintained in locked file cabinets, accessible only to the program manager or other FTC staff whose job duties require access. FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures. Obsolete records are destroyed by disposal in burn bags, by shredding, or by similarly secure means.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration. Records are temporary and maintained in the system while the employee is participating in the program. Records are removed from the system and destroyed by secure means (*see* ''Safeguards'') when the employee has transferred or separated from the agency or is otherwise no longer a program participant.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Office, Office of the Executive Director, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Past and current FTC employees who have applied to participate in the subsidy program; FTC offices; Department of Transportation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

IV. FTC Correspondence Systems of Records

FTC-IV-1

SYSTEM NAME:

Consumer Information System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. This system is operated off-site by a contractor. *See* Appendix III.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individual consumers who submit complaints to the FTC about identity theft, or the business practices of a company or individual, as well as consumers who request information or assistance.

(2) Individuals who submit their complaints about identity theft or the business practices of a company or individual to another organization that has agreed to provide its consumer complaint information to the FTC.

(3) Individuals acting on behalf of another consumer to submit the other consumer's complaint about identity theft, or the business practices of a company or individual, or to request information or assistance on behalf of another individual.

(4) Individuals who are the subjects of complaints about identity theft or about the business practices of a company or individual.

(5) FTC or contractor staff assigned to process or respond to such communications.

(6) Other system users outside the FTC (*e.g.*, law enforcement agencies authorized to have access to the system under confidentiality agreements).

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Personally identifying information about the individual who submits a complaint or requests information or assistance, including, for example, the individual's name, address, telephone number, fax number, date of birth, Social Security or credit card numbers, e-mail address and other personal information extracted or summarized from the individual's complaint.

(2) Personally identifying information about the individual who submits a complaint or requests information or assistance on behalf of someone else, including, for example, the submitting individual's name, address, phone or fax number and e-mail address.

(3) The name, address, telephone number or other information about an individual who is the subject of a complaint, or is allegedly associated with the subject of a complaint. (Information in the system about companies or other non-individuals is not covered by the Privacy Act.)

(4) The name and reference number of FTC or contractor staff person who entered or updated the complaint information in the database.

(5) Name, organization, and contact data for system users outside the FTC (*e.g.*, staff of other authorized law enforcement agencies).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; section 5 of the Identity Theft and Assumption Deterrence Act of 1998 (ITADA), 18 U.S.C. 1028 note.

PURPOSE(S):

To maintain records of complaints and inquiries from individual consumers; to track and respond to such communications (*e.g.*, providing information to consumers over the phone or fulfilling requests by consumers to be mailed copies of FTC publications); identify consumer problems and issues that may lead to law enforcement investigations, litigation, or other proceedings; to be used in and made part of the records of such proceedings, or to be referred to other person, entities, or authorities, where appropriate, covered by other Privacy Act system of records notices; and to provide statistical data on the number and types of complaints or other communications received by the FTC. Also, to satisfy the requirement of the ITADA that the FTC compile and refer ID theft complaints to ''appropriate entities,'' and to provide useful information that may contribute to regulation and oversight of institutions and systems that play a role in or are affected by fraudulent business practices or identity theft.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Consumer complaints can be disclosed to the subject of the complaint for purposes of attempting to resolve the complaint;

(2) ID theft complaints also can be disclosed to the three major national credit reporting agencies and other appropriate entities to fulfill the requirements of section 5 of the ITADA; and

(3) Contact data for non-FTC users of this system (*e.g.*, staff of authorized law enforcement agencies) can be shared among such users or with others within or outside the FTC to enable them to communicate with one another.

See Appendix I for other ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Identity theft complaints may be referred to consumer reporting agencies, as authorized by the ITADA. Disclosure of system records is also authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Communications are received from consumers in a variety of paper and electronic formats (*e.g.*, by letter, e-mail, Web-based form, facsimile, telephone, TTY). The FTC maintains a Consumer Response Center, which can be reached through a toll-free telephone numbers, for the collection of complaints from consumers. Communications referred to the FTC from other sources (*e.g.*, other law enforcement agencies, private consumer protection organizations) may also be provided to the FTC in paper or electronic format (*e.g.*, by letter, e-mail, CD-ROM, disk drive). Data from such communications are entered into a structured electronic database maintained by a contractor on the agency's behalf, and accessible by Web-based interface to FTC staff, contractors, and other authorized users (*e.g.*, law enforcement partners) subject to strict access and security controls (*see* ''Safeguards'' below).

RETRIEVABILITY:

Records may be retrieved and indexed by any category of data that is submitted by consumers or otherwise compiled in association with such records (*e.g.*, name, subject of the complaint).

SAFEGUARDS:

Access by FTC staff, contractors, and other system users, such as authorized personnel of other law enforcement agencies through a Web-based interface, is authorized only on a need-to-know basis to those individuals and organizations whose responsibilities require access. Contractors and other non-FTC users are also required to sign confidentiality and nondisclosure agreements, and, in some cases, are required to undergo additional security clearance procedures. Letters or other system records in paper format are maintained in lockable rooms and cabinets. Electronic database access is controlled by ''user ID'' and password combination. Security tokens are also used for remote electronic access. The system database is maintained on secure servers, protected by firewalls, access and usage logs, and other security controls. Servers are maintained in a secure physical environment, including building locks, security guards, and cameras.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Division of Planning and Information, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II. Individuals who call the FTC's Consumer Response Center can also use their FTC reference number to identify complaints they have previously submitted in order to update them.

RECORD SOURCE CATEGORIES:

Consumers and entities who communicate with the FTC; FTC staff and contractors; other law enforcement agencies and non-FTC organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-IV-2

SYSTEM NAME:

Miscellaneous Office Correspondence Tracking System Records--FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who correspond with individual FTC offices (*e.g.*, members of Congress, counsel for regulated entities, consumers); FTC staff assigned to or responsible for supervising, responding or taking other action on correspondence, assignments, or other matters that may also be tracked in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; matter name, number and/or description of the correspondence, assignment, or other matter; date of receipt or assignment, date of response,

action, or other relevant dates; FTC organization and other internal administrative codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

For the Office of the Secretary and certain other offices within the Commission to log and track the receipt, processing, and response, referral, or other action taken by those offices on correspondence, assignments or other agency matters for which those offices are responsible in whole or part; to help manage workloads, anticipate resources needed, and ensure that a response or other necessary or appropriate action is taken by those offices in a timely and complete manner; and to maintain records of the offices' responses or other actions taken on correspondence, assignments or other matters. (This system encompasses matter tracking records similar to, but maintained and managed separately from, those in FTC-I-5, Matter Management System—FTC.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When correspondence is referred to the FTC by a member of Congress, official committee or subcommittee, or other Government entity or official, the FTC may disclose to such official or authorized staff of such entity or official the status of the FTC's handling and processing of such correspondence.

See Appendix I for other ways that the FTC can use and disclose these system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records and printed reports.

RETRIEVABILITY:

Name of corresponding or referring individual, and/or of FTC staff with responsibility for supervising, processing, responding or otherwise handling the correspondence or other matter. System records may also be retrieved by other system search fields or parameters not pertaining to an individual (*e.g.*, matter or tracking number, date, FTC organization code).

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other network access or security controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580. Other

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

FTC staff; incoming and outgoing correspondence; internal memoranda or other FTC documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-IV-3

SYSTEM NAME:

National Do Not Call Registry System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. System database is maintained and operated off-site by a contractor. *See* Appendix III.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who notify the Commission that they do not wish to receive telemarketing calls. Individually identifiable information (*e.g.*, name, e-mail address) that telemarketers, sellers, or their agents must submit when paying for and obtaining access to the system is covered by this system only to the extent, if any, that such information is ''about [the] individual'' within the meaning of the Privacy Act, and is not about the telemarketer, seller, or agent acting in a non-individual business capacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Telephone numbers of individuals who do not wish to receive telemarketing calls; information automatically generated by the system, including date and/or time that the telephone number was placed on or removed from the Registry; and other information that the individual may be asked to provide voluntarily (such as e-mail address, if the individual registers through the National Do Not Call Registry Web site). Telemarketers, sellers, and their agents are also required to submit information to pay for and obtain authorized access to the system, including the names of, or other identifiers that may be associated with, individuals (*e.g.*, name of contact person, name of the person to whom the credit card is issued, e-mail address, etc.). Such information is part of this FTC system of records only to the extent, if any, that such information is maintained in the FTC's records and is ''about [the] individual'' within the meaning of the Privacy Act, and not about a telemarketer, seller, or agent acting in a non-individual business capacity.

Otherwise, user fee payment data from telemarketers, sellers, and their agents required to participate in the National Do Not Call Registry are principally collected and maintained on behalf of the Government by the *www.pay.gov* Web site operated by the Department of Treasury Financial Management Service (FMS). Those data are covered by the applicable system notice published by Treasury/FMS, Treasury/FMS.017 (Collections Records), and any successor system notice that may be published for that system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*, Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101-6108; Do-Not-Call Implementation Act, Pub. L. No. 108-10 (2003).

PURPOSE(S):

To maintain records of the telephone numbers of individuals who do not wish to receive telemarketing calls; to disclose such records to telemarketers, sellers, and their agents in order for them to reconcile their do-not-call lists with the Registry and comply with the do-not-call provisions of the Commission's Telemarketing Sales Rule, 16 CFR Part 310; to enable the Commission and other law enforcement officials to determine whether a company is complying with the Rule; to provide statistical data that may lead to

or be incorporated into law enforcement investigations and litigation; or for other law enforcement, regulatory or informational purposes. Information submitted by or compiled on telemarketers, sellers, and their agents is used for purposes of fee collection, authorizing their access to the system, and related purposes and uses as described in this notice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Telephone numbers, but not any e-mail addresses, submitted by individuals may be made available or referred on an automatic or other basis to telemarketers, sellers, and their agents for the purpose of determining or verifying that an individual does not wish to receive telemarketing calls;

(2) Information submitted by or compiled on telemarketers, sellers, and their agents may be used and disclosed to other Federal, state, or local government authorities for payment or billing purposes, including referral to debt collection agencies or other governmental entities for collection, tax reporting, or other related purposes. Information that is submitted by or compiled on telemarketers, sellers, and their agents and that is incorporated into the *www.pay.gov* system shall also be subject to routine uses, if any, that may be separately published for that system, Treasury/FMS.017 (Collections Records), or any successor system notice for that system.

See Appendix I for other ways that the FTC can use and disclose these system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in the system are collected and maintained by an off-site FTC contractor in an electronic database with Web-based access subject to strict security controls (*see* ''Safeguards'' below).

RETRIEVABILITY:

Indexed by area code and phone number of individuals who have informed the Commission that they do not wish to receive telemarketing calls. May also be retrieved by other data, if any, compiled or otherwise maintained with the record. For information submitted by or compiled on telemarketers, sellers, or their agents, records may be indexed and retrieved by any category of data that is submitted by or compiled on such telemarketers, sellers, or agents.

SAFEGUARDS:

Access is generally restricted to those agency personnel, contractors and other law enforcement users subject to confidentiality agreements whose responsibilities require access, or to approved telemarketers, sellers, and their agents. Electronic access is subject to login ID, password, and other electronic access and security controls (*e.g.*, firewalls). Contractors are required to sign confidentiality and nondisclosure agreements.

RETENTION AND DISPOSAL:

Automated information retained indefinitely, until deleted pursuant to request by the subject individual, or deleted automatically after certain period of time, to be determined by the Commission, in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration. (The retention and destruction of payment data collected from telemarketers, sellers, and their agents by Treasury's FMS is described in the system notice for the *www.pay.gov* system, Treasury/FMS.017.)

SYSTEM MANAGER(S) AND ADDRESS:

National Do Not Call Registry Program Manager, Division of Planning and Information, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

See Treasury/FMS.017 for the system manager and address of the *www.pay.gov* system.

NOTIFICATION PROCEDURE:

To obtain notification of whether the system contains a record pertaining to that individual (*i.e.*, the individual's telephone number), individuals use a dial-in system or a designated Web site that will enable the identification and verification of their telephone numbers. Individuals filing written requests pursuant to 16 CFR 4.13 will be acknowledged and directed to use those automated systems. To the extent, if any, that the Privacy Act applies to information submitted by or compiled on telemarketers, sellers, or their agents, the system provides notice (*i.e.*, confirms) that the system is maintaining such information when an individual accesses the system using the account number that was previously assigned to the telemarketer, seller, or agent at the time that entity originally entered information into the system to establish the relevant account.

RECORD ACCESS PROCEDURES:

To request access to any information maintained with your registration that is not available to you through the automated dial-in system or the designated Web site described in the notification procedures above, you must submit your request in writing. *See* Appendix II for details. The same access procedure applies to the extent, if any, that the Privacy Act applies to information submitted by or compiled on telemarketers, sellers, or their agents, where that information is not made available for review or amendments when the telemarketer, seller, or agent accesses the system.

CONTESTING RECORD PROCEDURES:

Where an individual believes the system has erroneously recorded or omitted information that is collected and maintained by the system, the individual will be afforded the opportunity to register, change, or delete that information after the automated system identifies and verifies the telephone number from which the individual is calling, if the individual is using the designated Web site, or the individual provides other identifying information, if requested by the automated system. To contest the accuracy of any other information that is not accessible to the individual through the automated dial-in system or Web site as described in the ''Notification procedures'' section above, the request must be submitted to the FTC in writing. *See* Appendix II for details. The same written request requirement applies to telemarketers, sellers, or their agents (to the extent, if any, that they are ''individuals'' within the meaning of the Privacy Act) when seeking to contest the accuracy of system information maintained on them, except for system information, if any, that can be contested or corrected through the automated system.

RECORD SOURCE CATEGORIES:

Individuals who inform the Commission through the procedures established by the Commission that they do not wish to receive telemarketing calls. Some records may come from do-not-call lists that some states or organizations separately maintain. Record sources for this system may also include telemarketers, sellers, and agents, but only to the extent, if any, that they are ''individuals'' within the meaning of the Privacy Act.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V. FTC Access Requests

FTC-V-1

SYSTEM NAME:

Freedom of Information Act Requests and Appeals—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing requests for access to information under the Freedom of Information Act (FOIA); individuals named in the FOIA request; FTC staff assigned to help process, consider, and respond to such requests, including any appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Communications (*e.g.*, letters, e-mails) to and from the requesting party; agency documents generated or collected during processing and consideration of the request, including scanned copies of materials responsive to the FOIA request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Freedom of Information Act, 5 U.S.C. 552.

PURPOSE(S):

To consider requests and appeals for access to records under the Freedom of Information Act; to determine the status of requested records; to respond to the requests and appeals; to make copies of FOIA requests and frequently requested records available publicly, under the FTC's Rules of Practice and FOIA; to maintain records, documenting the consideration and disposition of the requests for reporting, analysis, and recordkeeping purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Request and appeal letters, and agency letters responding thereto, are placed on the FTC's public record and available to the public for routine inspection and copying. *See* FTC-I-6 (Public Records—FTC).

(2) As required by the FOIA, records that have been ''frequently requested'' and disclosed under the FOIA within the meaning of that Act, as determined by the FTC, are made available to the public for routine inspection and copying. *See* FTC-I-6 (Public Records—FTC).

See also Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I. For public portions of this system, *see* the system notice for FTC-I-6.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically using a commercial software application run on the agency's internal servers. Temporary paper files are destroyed once the request is complete. System records compiled or generated prior to fiscal year 2004 are maintained in paper format.

RETRIEVABILITY:

Indexed by name of requesting party and subject matter of request. Records can also be searched by name, address, phone number, fax number, and e-mail of the requesting party, subject matter of the request, requestor organization, FOIA number, and staff member assigned to the request.

SAFEGUARDS:

Requests, appeals, and responses available to the public, as described above. Access to nonpublic system records is restricted to FTC personnel or contractors whose responsibilities require access. Nonpublic paper records are temporary, maintained in lockable file cabinets or offices, and destroyed once the request is complete. Access to electronic records is controlled by ''user ID'' and password combination and other electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with General Records Schedule 14.11-14.15, issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA/PA Supervisor, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and agency staff assigned to help process, review, or respond to the access request, including any appeal.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this system that have been placed on the FTC public record are available upon request, as discussed above. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-V-2

SYSTEM NAME:

Privacy Act Requests and Appeals—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing requests for access to, correction of, or an accounting of disclosures of personal information contained in system of records maintained by the Commission, pursuant to the Privacy Act; FTC staff assigned to help process, consider, and respond to such requests, including any appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests and other communications and documents generated or compiled by the FTC to process, review, and respond to the Privacy Act request, including any appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Privacy Act, 5 U.S.C. 552a.

PURPOSE(S):

To process and review requests and appeals for access to, correction of, or an

accounting of disclosure of records under the Privacy Act; to determine the status of requested records or the request for correction or disclosure; to respond to such requests and appeals; and to maintain records documenting the consideration and disposition of these requests for reporting, analysis, and recordkeeping purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix I for ways that the Privacy Act permits the FTC to disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

System records are stored and maintained electronically using a commercial software run on the agency's internal network servers. Temporary paper files are destroyed once the request is complete. System records compiled or generated prior to fiscal year 2004 are maintained in paper format.

RETRIEVABILITY:

Indexed by name of requesting party. Records can also be searched by address, phone number, fax number, and email of the requesting party, subject matter of the request, requestor organization, FOIA number, and staff member assigned to request.

SAFEGUARDS:

Access to nonpublic system records is restricted to FTC personnel or contractors whose responsibilities require access. Nonpublic paper records are temporary, maintained in lockable file cabinets or offices, and destroyed once the request is complete. Access to electronic records is controlled by ''user ID'' and password combination and other electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with General Records Schedule 14.11-14.15, issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA/PA Supervisor, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom record is maintained and agency staff agency staff assigned to help process, review or respond to the request, including any appeal.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-V-3 [Deleted]

VI. FTC Mailing List Systems of Records

FTC-VI-1

SYSTEM NAME:

Mailing and Contact Lists—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have indicated an interest in receiving FTC materials or who are participants or contacts in matters under consideration at the FTC; other individuals who may be regular resources, contacts, or leads for various FTC subject matter areas or programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

System records contain some or all of the following: name; title; company or organization; mailing address; e-mail address; telephone number; date. This system includes bulk order mailing lists, sign-in sheets or rosters compiled at meetings and workshops held at or by the FTC, contact lists developed from publicly available information or information provided by the relevant individual (*e.g.*, business cards), or other similar, miscellaneous contact and address lists.

This system excludes mailing or contact lists or similar records collected or maintained under other FTC systems of records. For example, addresses or other contact information for individuals who make requests through the FTC's Consumer Response Center to be mailed FTC materials are covered by FTC IV-1 (Consumer Information System—FTC). Mailing lists prepared for serving official documents in Commission proceedings or for other law enforcement purposes (*e.g.*, administering consumer redress) are covered by FTC I-1 (Nonpublic Investigatory and Other Nonpublic Legal Program Records—FTC).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To assist the Commission in the distribution of documents and information to individuals who request such materials; to maintain lists of media, Congressional, business, or other contacts for future reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be compiled by or disclosed to FTC contractors in fulfilling requests for FTC materials or sending other FTC communications to individuals covered by this system.

See Appendix I for other ways that the Privacy Act permits the FTC to disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper or electronic format. Electronic records may be stored using commercial software applications.

RETRIEVABILITY:

Indexed by individual's name. When records are stored electronically, records may also be searched and retrieved by other data, such as by phone number, address, ZIP or area code, etc.

SAFEGUARDS:

Access is restricted to FTC personnel or contractors whose responsibilities require access. Paper records are

maintained in lockable offices or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained until the individual requests deletion from the agency's list, or when distribution of records from the associated matter is not anticipated, or as otherwise prescribed under record schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Consumer and Business Education, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC, 20580.

Director, Office of Public Affairs, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC, 20580.

For all other FTC offices: Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individuals requesting FTC information, commercial directories or other public sources, attendees at FTC meetings or other events, and staff members involved in Commission proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

VII. FTC Miscellaneous Systems of Records

FTC-VII-1

SYSTEM NAME:

Automated Library Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel who request that copies of FTC Library periodicals or other publications in the Library's collection be routinely circulated (routed) to them within the FTC; authors of books, periodicals, or other publications indexed in the Library's collection.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and office location of the FTC individual making a routing request, employee identification number, and the name and number of the periodical; names of authors or other individuals indexed or associated with books or other publications maintained in the FTC Library's collection or requested through inter-library loans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To manage the FTC Library's acquisition and collection of books, periodicals and other publications; to fulfill requests for the routing of serials among FTC employees; to electronically index or search for holdings in the FTC Library's collection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix I for ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. V Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic database using a commercially available software application.

RETRIEVABILITY:

Indexed by periodical number, employee identification number, author, or other information in the system.

SAFEGUARDS:

Access restricted to staff or contractor personnel whose responsibilities require access. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). (This limitation does not apply to searchable online catalog made available in the FTC Library.) FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Head Librarian, Library, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained; author or other publication data associated with the book, periodical or other publication; system users.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-VII-2

SYSTEM NAME:

Employee Locator (STAFFID) System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees, contractors, volunteers or others (*e.g.*, students) working for or at the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee identification number, building code, office room number, office telephone, mail drop code, electronic mail user identification, default printer designation, other identification codes or data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To maintain records that will assist in locating and communicating with FTC employees, contractors, etc.; to identify

mail locator listings used by mail room personnel; and to identify, in other Commission automated information systems, Commission staff names and locations; to help document the check-in/check-out process for employees or others entering or leaving FTC service. This system is a core data source for other FTC automated systems to draw basic identifying information about FTC employees and others working for or at the Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To produce the FTC Directory which is used by all agency personnel and made available to the public; and

(2) To provide employee locator information to the public.

See Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

FTC Directory printed and distributed to staff and the public, and posted on the agency's Web site. System is maintained electronically in a structured database on agency network servers.

RETRIEVABILITY:

Indexed by individual's name, employee identification number, and database can also be searched by other data fields or codes.

SAFEGUARDS:

Certain information is available to the public through locator information and posting of the FTC Directory online. Access to other information is restricted to agency personnel or contractors whose responsibilities require access. Access to nonpublic electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Information Officer, Infrastructure Operations, Office of Information Technology & Management, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained; administrative officers or other staff who manage the staff check-in/check-out process; personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-VII-3

SYSTEM NAME:

Computer Systems User Identification and Access Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees and others (*e.g.*, contractors) with access to FTC computer systems operated by the FTC or by a contractor for the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; employee identification number; organization; systems to which individual has access; systems and services used; amount of time spent using each system; number of usage sessions; cost of some usage; user profiles. This system includes log-in files, password files, system usage files when they contain records on specific users, and, where applicable, cost-back files used to assess charges for system use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Federal Information Security Management Act of 2002, Pub. L. 107-347, Title III.

PURPOSE(S):

To monitor and control costs of usage of computer systems; to prepare budget requests for automated services; to identify the need for and to conduct training programs; to monitor security on computer systems; to add and delete users; to help document and/or control access to computer systems, platforms, applications and databases (*e.g.*, Outlook, Oracle, Business Objects); to investigate and make referrals for disciplinary or other action if improper or unauthorized use is suspected or detected.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to contractors in connection with developing, maintaining, operating or servicing FTC computerized systems.

See Appendix I for other ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic and paper records.

RETRIEVABILITY:

Indexed by individual's name; employee identification number; and organization code, or other searchable data fields or codes.

SAFEGUARDS:

Access is restricted to agency personnel and contractors whose responsibilities require access. Paper records, if any, maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

See National Archives and Records Administration General Records Schedule 20.1 (Files/Records Relating to the Creation, Use, and Maintenance of Computer Systems, Applications, or Electronic Records) and 24.6 (User Identification, Profiles, Authorizations and Password Files). Records are deleted when no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Information Officer, Infrastructure Operations, Office of Information And Technology Management, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom record is maintained; internal and external information systems that record usage.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-VII-4

SYSTEM NAME:

Call Detail Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel, consultants, and contractors assigned office telephones, cell phones, telephone calling cards, pagers or other telecommunications resources.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office telephone number, cell phone number, telephone calling card number, pager number, originating telephone number, telephone numbers called, length of telephone calls, cost of telephone calls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To manage agency telecommunications resources; to monitor appropriate use of such resources; to detect and deter possible improper or unauthorized use of such resources; in cases where such use is detected, to determine whether disciplinary or other action, assessment, charge, or referral is warranted; to determine appropriate types and levels of service that should be available to agency staff; and to review and authorize payment of telecommunications invoices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed:

(1) To a telecommunications company and/or the General Services Administration when providing the FTC with telecommunications support in order to verify billing or perform other servicing to the account; and

(2) To respond to a Federal agency's request made in connection with the hiring or retention of an employee, the letting of a contract or issuance of a grant, license or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

See Appendix I for other ways that the Privacy Act permits the FTC to disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper and/or other digital or non-digital formats.

RETRIEVABILITY:

Indexed by office telephone number, cell phone number, pager number, or telephone calling card number, or individual's name.

SAFEGUARDS:

Access is restricted to agency and contractor personnel whose official responsibilities require access. Paper records are maintained in lockable cabinets or offices. Access to electronic records is protected by ''user ID'' and password combination and/or other electronic access and network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

See National Archives and Records Administration General Records Schedule 12. Under that schedule, records are destroyed when they are three years old, and may be destroyed earlier once information needed to identify abuse has been captured in other records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Information Officer, Infrastructure Operations, Office of Information and Technology Management, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Telephone assignment records; computer software that captures telephone call information and permits query and reports generation; logs, reports, or other service records that the FTC may receive from telecommunications service providers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-VII-5

SYSTEM NAME:

Property Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Commission employees or others assigned responsibility for Commission physical resources.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual; employee or other identification number; property item assigned to individual; equipment maintenance information. This system also includes miscellaneous property management records pertaining to individuals assigned specific items of agency property, such as property passes or acknowledgment forms completed and signed by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Federal Property and Administrative Services Act of 1949; Pub. L. 84-863 (1956).

PURPOSE(S):

To maintain and control physical resources, including to document the assignment to and acknowledgment of individual responsibility for such resources; to conduct routine and

periodic maintenance on equipment; to maintain, confirm, and audit an inventory of physical resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to contractors in connection with surveying, maintaining, or otherwise servicing or tracking agency physical resources.

See Appendix I for other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic and paper records.

RETRIEVABILITY:

Indexed by employee name, employee identification number, and assigned organization.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access and network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

See General Records Schedule 18.12 (Property Pass Files), 18.15 (Personal Property Accountability Files), 18.16 (Key Accountability Files), and other schedules or procedures that may be issued or approved by the National Archives and Records Administration. Retention periods can vary from 3 months to 3 years, depending on the record. At the FTC, records are generally retained for the life of the physical resource.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Office, Office of the Executive Director, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual responsible for the equipment and staff responsible for maintaining the equipment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-VII-6

SYSTEM NAME:

Document Management And Retrieval System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have written documents contained in Commission files, and other individuals whose names or other personally identifying data are used to search and retrieve documents from the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of author and documents written by that individual; names or other data about other individuals by which documents in the system are searched and retrieved; finding aids or document indexes. Records in this system may duplicate records included in other FTC systems of records. *See*, *e.g.*, FTC-I-1 (Nonpublic Investigational and Other Nonpublic Legal Program Records—FTC), FTC-I-6 (Public Records—FTC).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To provide staff with the ability to search for and access copies of agency documents needed for legal and economic research activities of the Commission (*e.g.*, internal memoranda, economic reports, other agency work product); to provide FTC staff processing Freedom of Information Act or other disclosure requests with the ability to search for and access copies of potentially responsive documents outlining the actions and considerations of the Commission, individual Commissioners, and the staff; to provide the ability, once the automated system is fully implemented, to electronically manage the writing, editing, storage, retrieval and disposal of such documents (*e.g.*, memoranda, correspondence), and to provide for additional document management functions, if any.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to contractors in connection with document processing, storage, disposal and similar records management and retrieval activities.

See Appendix I for other ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Older records are stored on microfiche or other formats. The system also comprises one or more structured databases using commercial software applications to search, retrieve, and manage records stored electronically.

RETRIEVABILITY:

Indexed by author of the document, or other data fields or codes.

SAFEGUARDS:

Access is restricted to agency personnel and contractors whose responsibilities require access. Paper or other non-digital records are stored in lockable file cabinets or offices. Access to electronic records is controlled by ''user ID'' and password combination, and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with schedules and procedures issued or approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

FTC employees and others who submit documents to the Commission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this system that have been placed on the FTC public record are available upon request or, where applicable, made available online. *See* FTC-I-6 (Public Records—FTC). However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. *See* § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-VII-7

SYSTEM NAME:

Information Technology Service Ticket System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. System data are currently maintained off-site by an FTC contractor. *See* Appendix III.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees, contractors or other authorized individuals who have requested service related to the automated information technology equipment and systems available to the FTC staff (*e.g.*, computers, laptops, etc.).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name of requesting individual, organization code, telephone number, date of reported problem, nature of problem, and action taken to resolve problem.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To record the receipt of requests for information technology (IT) service by the FTC's enterprise service desk (*i.e.*, help desk) and the actions taken to resolve those requests; to provide agency management with information identifying trends in questions and problems for use in managing the Commission's hardware and software resources. The FTC's help desk, currently operated by a contractor, generates and maintains these records (''service tickets'') in the course of fulfilling requests or orders to create or close e-mail and other network accounts when an individual begins or ends employment at the FTC, to answer questions or provide assistance when FTC staff have problems with computer or network access or other FTC IT equipment or software issues, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be compiled and used by the FTC's contractors to track and fulfill IT service requests.

See Appendix I for ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized by 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are entered and stored in the system electronically by the FTC's help desk contractor using proprietary software in a structured database.

RETRIEVABILITY:

Indexed by employee name and tracking number assigned to each service request.

SAFEGUARDS:

Access is restricted to agency personnel and contractors whose responsibilities require access. Electronic access to FTC records in the contractor's database is provided via the Internet, using unique IDs and password combinations, and can be accessed only from Internet Protocol (IP) addresses belonging to the FTC. When not in use, access automatically ''times out'' (cuts off) after 30 minutes. The contractor's servers have firewalls and intrusion detection, and are maintained in locked rooms secured with electronic card access.

RETENTION AND DISPOSAL:

See National Archives and Records Administration General Records Schedule 24.10 (IT Customer Service Files). Under that schedule, records may be deleted when 1 year old or when no longer needed for review or analysis, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Information Officer for Customer Services, Office of Information and Technology Management, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and staff who responded to the request for service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FTC-VII-8

SYSTEM NAME:

Administrative Service Call System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. *See* Appendix III for other locations where records may be maintained or accessed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FTC employees, contractors, or other authorized individuals who request or previously requested service related to FTC building maintenance and administrative support services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name of requesting individual, organization code, telephone number, date of reported problem, nature of problem, and action taken to resolve problem.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

PURPOSE(S):

To record the receipt of requests for service and the actions taken to resolve those requests; to provide agency management with information identifying trends in questions and problems for use in managing the Commission's office space, furniture, or other physical resources and property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to FTC contractors as needed

for purposes of fulfilling service requests.

See Appendix I for other ways that the Privacy Act allows the FTC to use or disclose system records outside the agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None, except as authorized under 5 U.S.C. 552a(b)(12) when trying to collect a claim of the Government. *See* Appendix I.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Service call records are maintained in an electronic database using a commercial software application. Work orders are generated from these records and printed out.

RETRIEVABILITY:

Indexed by name of requesting individual and tracking number assigned to each service request.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Access to electronic records is controlled by ''user ID'' and password combination and/or other appropriate electronic access and network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RETENTION AND DISPOSAL:

Records are to be retained for at least three months after work is performed or the request is cancelled. *See* National Archives and Records Administration General Records Schedule 11.5 (Building and Equipment Service Files). The FTC currently maintains records in this system for at least 12 months, because questions pertaining to prior requests can arise several months after the work has been completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Office, Office of the Executive Director, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURES; AND CONTESTING RECORD PROCEDURES:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and staff who responded to the request for service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix I

Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records

The Privacy Act allows the FTC to disclose its Privacy Act records in the following ways:

(1) Within the FTC, to FTC officers and employees who need the record to perform their duties;

(2) In response to a request for public disclosure under the Freedom of Information Act (FOIA);

(3) For any ''routine use'' compatible with the purpose for which the record was collected, as set forth in each system of records notice and in paragraphs (13)-(23) of this Appendix below;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity under title 13 of the United States Code;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives and Records Administration as a record having sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of a matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(11) Under an order of a court of competent jurisdiction; and

(12) To a consumer reporting agency, when trying to collect a claim of the Government, in accordance with 31 U.S.C. 3711(e).

In addition, in accordance with paragraph (3) above, the ''routine uses'' set forth in paragraphs (13) through (23) below shall apply to all records in all FTC Privacy Act systems of records. Specifically, such records:

(13) Where appropriately incorporated into the records maintained in FTC-II-6 (Discrimination Complaint System—FTC), may be disclosed under the routine uses published for that system;

(14) May be disclosed to the National Archives and Records Administration for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906;

(15) May be disclosed to other agencies, offices, establishments, and authorities, whether federal, state, local, foreign, or self-regulatory (including, but not limited to organizations such as professional associations or licensing boards), authorized or with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information by itself or in connection with other records or information:

(a) Indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, or

(b) Indicates a violation or potential violation of a professional, licensing, or similar regulation, rule, or order, or otherwise reflects on the qualifications or fitness of an individual who is licensed or seeking to be licensed;

(16) May be disclosed to any source, private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit;

(17) May be disclosed to any authorized agency component of the Federal Trade Commission, Department of Justice, or other law enforcement authorities, and for disclosure by such parties:

(a) To the extent relevant and necessary in connection with litigation in proceedings before a court or other adjudicative body, where (i) the United States is a party to or has an interest in the litigation, including where the agency, or an agency component, or an agency official or employee in his or her official capacity, or an individual agency official or employee whom the Department of Justice has agreed to represent, is or may likely become a party, and (ii) the litigation is likely to affect the agency or any component thereof; or

(b) To obtain advice, including advice concerning the accessibility of a record or information under the Privacy Act or the Freedom of Information Act;

(18) May be disclosed to a congressional office in response to an inquiry from that office made at the written request of the subject individual, but only to the extent that the record would be legally accessible to that individual;

(19) May be disclosed to debt collection contractors for the purpose of collecting debts owed to the government, as authorized under the Debt Collection Act of 1982, 31 U.S.C. 3718, and subject to applicable Privacy Act safeguards;

(20) May be disclosed to a grand jury agent pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the

subpoena or request has been specifically approved by a court;

(21) May be disclosed to the Office of Management and Budget (OMB) for the purpose of obtaining advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation pursuant to OMB Circular A-19;

(22) May be disclosed to appropriate agencies, entities, and persons when: (a) the FTC suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the FTC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the FTC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the FTC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm; and

(23) May be disclosed to FTC contractors, volunteers, interns or other authorized individuals who have a need for the record in order to perform their officially assigned or designated duties for or on behalf of the FTC.

The routine uses contained in this Appendix are in addition to any routine uses contained in the system of records notice (SORN) for each FTC Privacy Act records system. Some of the authorized disclosures and routine uses may overlap with one another. The FTC will treat a routine use as valid and still in effect, even if an overlapping routine use or disclosure is partly or fully invalidated or repealed.

Appendix II

How To Make A Privacy Act Request

An individual may: request notification as to whether an FTC system of records contains records retrieved using his or her personal identifier; request access to records in a system of records; and contest the accuracy or completeness of records.

Each of those actions may be initiated by the individual by mailing or delivering a written request that includes the individual's name, return address, and signature, addressed to:

Privacy Act Request
Office of the General Counsel
Federal Trade Commission
600 Pennsylvania Avenue, NW.
Washington, DC 20580

Note: Individuals are not required to follow these procedures for FTC systems that are designed to allow individuals to review, access or correct their system records online or through other means (*e.g.*, National Do Not Call Registry system).

Contents of the written request. Where a written request is required, the request must specify the pertinent FTC system(s) of records, and include any additional information needed to locate the records. The individual's signature will be deemed a certification that he or she is the individual to whom the record pertains. The FTC may require additional verification of identity when reasonably necessary to assure that records are not improperly disclosed. The FTC will not require additional verification if the records about the individual are available to the public under the Freedom of Information Act (FOIA). More detailed information about how to make a Privacy Act request is contained in the section 4.13 of the FTC's Rules of Practice, 16 CFR 4.13, which may be viewed online at *http://ecfr.gpoaccess.gov/*.

Exempt systems. Some record systems are exempt from disclosure to the individual and from other requirements of the Privacy Act. *See* the system of records notice applicable to the records you are requesting if you want to know if that system is exempt. The FTC is not required to provide an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. 5 U.S.C. 552a(d)(5).

Requests to correct or amend. A request to correct or amend your Privacy Act records must state the specific nature and reason for the request. The FTC does not delete or remove records in response to a request to correct or amend a Privacy Act record, including any records that have been publicly posted on the Internet (*e.g.*, public comments). All FTC records, including public record documents, are retained and destroyed only in accordance with schedules and guidance issued or approved by the National Archives and Records Administration under the Federal Records Act and other applicable laws. If a Privacy Act request results in the correction or amendment of a record that has been posted on the FTC's public record, the FTC will correct or amend the public record accordingly without deleting or removing it.

Privacy Act records maintained by other Federal agencies. For records collected and maintained by other Federal agencies, please contact those agencies directly or visit their Web sites to obtain access.

Appendix III

Locations of FTC Buildings and Regional Offices

In addition to the FTC's headquarters building at 600 Pennsylvania Avenue, NW., Washington, DC 20580, the FTC has a satellite building at 601 New Jersey Avenue, NW., Washington, DC 20001, and also operates the following Regional Offices where Privacy Act records may in some cases be maintained or accessed:

East Central Region
Eaton Center, Suite 200
1111 Superior Avenue
Cleveland, OH 44114-2507

Midwest Region
55 West Monroe Street, Suite 1825
Chicago, IL 60603-5001

Northeast Region
Alexander Hamilton U.S. Custom House
One Bowling Green, Suite 318
New York, NY 10004

Northwest Region
915 Second Avenue, Suite 2896
Seattle, WA 98174

Southeast Region
225 Peachtree Street, NE., Suite 1500
Atlanta, GA 30303

Southwest Region
1999 Bryan Street, Suite 2150
Dallas, TX 75201

Western Region—San Francisco
901 Market Street, Suite 570
San Francisco, CA 94103

Western Region—Los Angeles
10877 Wilshire Boulevard, Suite 700
Los Angeles, CA 90024

In addition, FTC records subject to the Privacy Act may sometimes be maintained at other facilities leased by the FTC or operated by FTC contractors, including by other Federal agencies, or by the National Archives & Records Administration on the FTC's behalf.

By direction of the Commission.

Donald S. Clark,

Secretary

[FR Doc. E8–13111 Filed 6–11–08: 8:45 am]

BILLING CODE 6750–01–S

Federal Register

Thursday,
June 12, 2008

Part V

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1 and Parts 4, 15, et al.
Federal Acquisition Regulation; Interim Rules and Small Entity Compliance Guide

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Docket FAR–2008–0003, Sequence 1

Federal Acquisition Regulation; Federal Acquisition Circular 2005–26; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of interim rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rule agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2005–26. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov/*.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT For clarification of content, contact the analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–26, FAR Case 2008–004. Interested parties may also visit our website at *http://www.regulations.gov*. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

RULE LISTED IN FAC 2005–26

Item	Subject	FAR case	Analyst
I	Prohibition on Restricted Business Operations in Sudan and Imports from Burma (Interim)	2008–004	Murphy.

SUPPLEMENTARY INFORMATION: A summary of the FAR rule follows. For the actual revisions and/or amendments to this FAR case, refer to FAR Case 2008–004. FAC 2005–26 amends the FAR as specified below:

Prohibition on Restricted Business Operations in Sudan and Imports from Burma (FAR Case 2008–004) (Interim)

This interim rule amends FAR Subparts 4.12, 15.1, 25.7, 25.11, and Part 52 to implement Section 6 of the Sudan Accountability and Divestment Act of 2007, and Executive Orders 13310 and 13448. Section 6 requires certification that the contractor does not conduct certain business operations in Sudan. This case also updates the list of countries from which most imports are prohibited, to reflect Burma as well as Sudan.

Dated: June 6, 2008.

Al Matera,

Director, Office of Acquisition Policy.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2005–26 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-26 is effective June 12, 2008.

Dated: June 6, 2008.

Shay D. Assad,

Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing.

Dated: May 30, 2008.

David A. Drabkin,

Acting Chief Acquisition Officer & Senior Procurement Executive, Office of the Chief Acquisition Officer, U.S. General Services Administration.

Dated: May 30, 2008.

William P. McNally,

Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. E8–13151 Filed 6–11–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 15, 25, and 52

[FAC 2005–26; FAR Case 2008–004;Docket 2008–0001, Sequence 04]

RIN 9000–AL01

Federal Acquisition Regulation; FAR Case 2008–004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section 6 of the Sudan Accountability and Divestment Act of 2007. Section 6 requires certification in each contract entered into by an Executive agency, that the contractor does not conduct certain business operations in Sudan.

DATES: *Effective Date:* June 12, 2008.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before August 11, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–26, FAR case 2008–004, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov*. Submit comments via the Federal eRulemaking portal by inputting ''FAR Case 2008–004'' under the heading ''Comment or Submission''. Select the link ''Send a Comment or Submission'' that corresponds with FAR Case 2008–004. Follow the instructions provided to complete the ''Public Comment and Submission Form''. Please include your name, company name (if any), and ''FAR Case 2008–004'' on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (VPR), 1800 F Street, NW, Room 4041, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–26, FAR case 2008–004, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT Ms. Meredith Murphy, Procurement Analyst, at (202) 208–6925 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at (202) 501–4755. Please cite FAC 2005–26, FAR case 2008–004.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements section 6 of the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174), which was signed on December 31, 2007. Section 6 of this Act requires certification in each contract entered into by an executive agency, that the contractor does not conduct certain business operations in Sudan (as described in section 3(d) of the Act).

The Councils have added these restrictions to FAR Subpart 25.7, Prohibited Sources, because the current sections 25.701 and 25.702 are related to each other, they have been combined into a single section, and the new restrictions added as a new section 25.702.

Subsection 25.702–1 provides the statutory definitions of the following terms from the Act:

- Appropriate congressional committees.
- Business operations.
- Marginalized populations of Sudan.
- Person.
- Restricted business operations (referring to the business operations described in section 3(d) of the Act).

Subsections 25.702–2 and 25.702–3 state the certification requirements and the remedies specified in the Act. Subsection 25.702–4 permits the President to waive the certification requirement. Consistent with the structure of FAR Part 25, the prescription for the solicitation provision is provided at FAR 25.1103(d).

The new solicitation provision 52.225–20, Prohibition on Conducting Restricted Business Operations in Sudan—Certification, provides all the required definitions and the condition that, by submission of its offer, the offeror certifies that it does not conduct any restricted business operations in Sudan. If the offeror cannot affirmatively make the certification that it does not conduct restricted business operations in Sudan, then it is not allowed to submit an offer. The Councils are determining whether this law should also apply to existing contracts to ensure compliance with the overall intent of the law.

The Act does not require flow down of the certification provision. Section 6 addresses only contracts entered into by executive agencies.

The FAR Council has made a policy determination to apply the prohibition to contracts for the acquisition of commercial items. In accordance with Section 34 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 430), the law would not apply to acquisitions of commercial items unless the FAR Council made a written determination that it would not be in the best interest of the Federal Government to waive the provision of law for the acquisition of commercial items. This is because the Sudan Accountability and Divestment Act of 2007—

- Does impose restrictions on the procurement of property or services by the Federal Government;
- Does not provide civil or criminal penalties; and
- Does not specifically refer to Section 34 of the OFPP Act.

Section 6 of Pub. L. 110–174 establishes a public policy that contractors who conduct certain business operations in Sudan shall not be permitted to do business with the Federal Government. An exemption for commercial item acquisitions would exclude a significant portion of Federal contracting and the contractors who provide these products and services, thereby undermining the overarching public policy purpose of the law.

In addition, the Councils have taken this opportunity to add Burma to the list of countries from which most imports are prohibited. This update is made in accordance with Executive Order (E.O.) 13310, Blocking Property of the Government of Burma and Prohibiting Certain Transactions (68 FR 44853, July 30, 2003), and E.O. 13448, Blocking Property and Prohibiting Certain Transactions Related to Burma (72 FR 60223, October 23, 2007). The FAR at 25.701(b) and the clause at 52.225–13(b) are modified.

This is a significant regulatory action and, therefore, is subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule will only impact an offeror that is conducting restricted business operations in Sudan and wants to do business with the Government. Since there are already numerous sanctions against dealing with Sudan (*e.g.*, E.O.s 13412, 13400, and 13067, and 31 CFR Part 538), it is expected that the number of entities impacted by this rule will be minimal. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 4, 15, 25, and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005–26, FAR case 2008–004), in all correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the rule implements section 6 of The Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174), which was signed on December 31, 2007, and was effective upon enactment. However, pursuant to Pub. L. 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 4, 15, 25, and 52

Government procurement.

Dated: June 6, 2008.

Al Matera,

Director, Office of Acquisition Policy.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 4, 15, 25, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 4, 15, 25, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 4—ADMINISTRATIVE MATTERS

4.203 [Amended]

■ 2. Amend section 4.203 by—

■ a. Removing from paragraph (a) ''paragraph (b)'' and adding ''paragraph (l)'' in its place; and

■ b. Removing from paragraphs (b) and (e)(1)(i) ''52.212–3(b)'' and adding ''52.212–3(l)'' in its place.

4.1201 [Amended]

■ 3. Amend section 4.1201 by removing from paragraph (c) ''52.212–3(l)'' and adding ''52.212–3(b)'' in its place.

■ 4. Amend section 4.1202 by redesignating paragraphs (y), (z), and (aa), as paragraphs (z), (aa), and (bb), respectively; and adding a new paragraph (y) to read as follows:

4.1202 Solicitation provision and contract clause.

* * * * *

(y) 52.225–20, Prohibition on Conducting Restricted Business Operations in Sudan—Certification.

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

15.102 [Amended]

■ 5. Amend section 15.102 by removing from paragraph (b) ''52.212–3(1)'' and adding ''52.212–3(b)'' in its place.

PART 25—FOREIGN ACQUISITION

■ 6. Revise Subpart 25.7 to read as follows:

Sec.
25.700 Scope of subpart.
25.701 Restrictions on acquisitions of supplies or services from prohibited sources.
25.702 Prohibition on contracting with entities that conduct restricted business operations in Sudan.
25.702–1 Definitions.
25.702–2 Certification.
25.702–3 Remedies.
25.702–4 Waiver.

Subpart 25.7—Prohibited Sources

25.700 Scope of subpart.

This subpart implements—

(a) Economic sanctions administered by the Office of Foreign Assets Control (OFAC) in the Department of the Treasury prohibiting transactions involving certain countries, entities, and individuals; and

(b) The Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174).

25.701 Restrictions on acquisitions of supplies or services from prohibited sources.

(a) Except as authorized by OFAC, agencies and their contractors and subcontractors must not acquire any supplies or services if any proclamation, Executive order, or statute administered by OFAC, or if OFAC's implementing regulations at 31 CFR Chapter V, would prohibit such a transaction by a person subject to the jurisdiction of the United States.

(b) Except as authorized by OFAC, most transactions involving Cuba, Iran, and Sudan are prohibited, as are most imports from Burma or North Korea into the United States or its outlying areas. In addition, lists of entities and individuals subject to economic sanctions are included in OFAC's List of Specially Designated Nationals and Blocked Persons at *http://www.treas.gov/offices/enforcement/ofac/sdn*. More information about these restrictions, as well as updates, is available in OFAC's regulations at 31 CFR Chapter V and/or on OFAC's website at *http://www.treas.gov/offices/enforcement/ofac*.

(c) Refer questions concerning the restrictions in paragraphs (a) or (b) of this section to the Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, (Telephone (202) 622–2490).

25.702 Prohibition on contracting with entities that conduct restricted business operations in Sudan.

25.702–1 Definitions.

As used in this section—

Appropriate Congressional committees means—

(1) The Committee on Banking, Housing, and Urban Affairs, The Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) The Committee on Financial Services, the Committee on Foreign Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Business operations means engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

Marginalized populations of Sudan means—

(1) Adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Pub. L. 109–344) (50 U.S.C. 1701 note); and

(2) Marginalized areas in Northern Sudan described in section 4(9) of such Act.

Person means—

(1) A natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)); and

(3) Any successor, subunit, parent company or subsidiary of any entity described in paragraphs (1) or (2) of this definition.

Restricted business operations—

(1) Means, except as provided in paragraph (2) of this definition, business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174).

(2) Does not include business operations that the person conducting the business can demonstrate—

(i) Are conducted under contract directly and exclusively with the regional government of southern Sudan;

(ii) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;

(iii) Consist of providing goods or services to marginalized populations of Sudan;

(iv) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(v) Consist of providing goods or services that are used only to promote health or education; or

(vi) Have been voluntarily suspended.

25.702–2 Certification.

As required by the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174), each offeror must certify that it does not conduct restricted business operations in Sudan.

25.702–3 Remedies.

Upon the determination of a false certification under subsection 25.702–2—

(a) The contracting officer may terminate the contract;

(b) The suspending official may suspend the contractor in accordance with the procedures in Subpart 9.4; and

(c) The debarring official may debar the contractor for a period not to exceed 3 years in accordance with the procedures in Subpart 9.4.

25.702–4 Waiver.

(a) The President may waive the requirement of subsection 25.702–2 on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

(b) An agency seeking waiver of the requirement shall submit the request through the Administrator of the Office of Federal Procurement Policy.

■ 7. Amend section 25.1103 by adding paragraph (d) to read as follows:

25.1103 Other provisions and clauses.

* * * * *

(d) The contracting officer shall include in each solicitation for the acquisition of products or services (other than commercial items procured under Part 12) the provision at 52.225–20, Prohibition on Conducting Restricted Business Operations in Sudan—Certification.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Amend section 52.212–1 by revising the date of the provision; and by removing from paragraph (b)(8) ''52.212–3(1)'' and adding ''52.212–3(b)'' in its place. The revised text reads as follows:

52.212–1 Instructions to Offerors—Commercial Items.

* * * * *

INSTRUCTIONS TO OFFERORS—COMMERCIAL ITEMS (JUN 2008)

* * * * *

■ 9. Amend section 52.212–3 by—

■ a. Revising the date of the provision;

■ b. Removing from the introductory text of the provision ''paragraph (1)'' and ''paragraphs (b) through (k)'' and adding ''paragraph (b)'' and ''paragraphs (c) through (m)'' in its place, respectively; and

■ c. Adding in paragraph (a), in alphabetical order, the definition ''Restricted business operations'';

■ d. Revising paragraphs (b) and (l); and

■ e. Adding paragraph (m) to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS (JUN 2008)

* * * * *

(a) * * *

Restricted business operations means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174). Restricted business operations do not include business operations that the person conducting the business can demonstrate—

(1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;

(2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;

(3) Consist of providing goods or services to marginalized populations of Sudan;

(4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(5) Consist of providing goods or services that are used only to promote health or education; or

(6) Have been voluntarily suspended.

* * * * *

(b)(1) *Annual Representations and Certifications.* Any changes provided by the offeror in paragraph (b)(2) of this provision do not automatically change the representations and certifications posted on the Online Representations and Certifications Application (ORCA) website.

(2) The offeror has completed the annual representations and certifications electronically via the ORCA website at *http://orca.bpn.gov*. After reviewing the ORCA database information, the offeror verifies by submission of this offer that the representations and certifications currently posted electronically at FAR 52.212–3, Offeror Representations and Certifications—Commercial Items, have been entered or updated in the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201), except for paragraphs _____.

[*Offeror to identify the applicable paragraphs at (c) through (m) of this provision that the offeror has completed for the purposes of this solicitation only, if any.*

These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.]

* * * * *

(l) *Taxpayer Identification Number (TIN) (26 U.S.C. 6109, 31 U.S.C. 7701).* (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (l)(3) through (l)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(3) *Taxpayer Identification Number (TIN).*

☐ TIN: _____.

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of the Federal Government.

(4) *Type of organization.*

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax-exempt);

☐ Corporate entity (tax-exempt);

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049–4;

☐ Other _____.

(5) *Common parent.*

☐ Offeror is not owned or controlled by a common parent;

☐ Name and TIN of common parent:

Name _____.

TIN _____.

(m) *Restricted business operations in Sudan.* By submission of its offer, the offeror certifies that it does not conduct any restricted business operations in Sudan.

(End of provision)

■ 10. Amend section 52.212–5 by revising the date of the clause and paragraph (b)(31) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (JUN 2008)

* * * * *

(b) * * *

____ (31) 52.225–13, Restrictions on Certain Foreign Purchases (JUN 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

* * * * *

■ 11. Amend section 52.225–13 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (b) ''from North Korea'' and adding ''from Burma or North Korea'' in its place;

52.225–13 Restrictions on Certain Foreign Purchases.

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RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008)

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■ 12. Add section 52.225–20 to read as follows:

52.225–20 Prohibition on Conducting Restricted Business Operations in Sudan—Certification.

As prescribed at 25.1103(d), insert the following provision:

PROHIBITION ON CONDUCTING RESTRICTED BUSINESS OPERATIONS IN SUDAN—CERTIFICATION (JUN 2008)

(a) *Definitions.* As used in this provision—

Business operations means engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

Marginalized populations of Sudan means—

(1) Adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Pub. L. 109–344) (50 U.S.C. 1701 note); and

(2) Marginalized areas in Northern Sudan described in section 4(9) of such Act.

Person means—

(1) A Natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)); and

(3) Any successor, subunit, parent company or subsidiary of any entity described in paragraphs (1) or (2) of this definition.

Restricted business operations means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110–174). Restricted business operations do not include business operations that the person conducting the business can demonstrate—

(1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;

(2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;

(3) Consist of providing goods or services to marginalized populations of Sudan;

(4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(5) Consist of providing goods or services that are used only to promote health or education; or

(6) Have been voluntarily suspended.

(b) *Certification.* By submission of its offer, the offeror certifies that it does not conduct any restricted business operations in Sudan.

(End of provision)

[FR Doc. E8–13154 Filed 6–11–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR–2008–0003, Sequence 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–26; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator of the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005–26 which amends the FAR. Interested parties may obtain further information regarding this rule by referring to FAC 2005–26 which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT Laurieann Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact the analyst whose name appears in the table below.

RULE LISTED IN FAC 2005–26

Subject	FAR case	Analyst
Prohibition on Restricted Business Operations in Sudan and Imports from Burma (Interim)	2008–004	Murphy.

SUPPLEMENTARY INFORMATION: A summary of the FAR rule follows. For the actual revisions and/or amendments to this FAR case, refer to FAR Case 2008–004. FAC 2005–26 amends the FAR as specified below:

Prohibition on Restricted Business Operations in Sudan and Imports from Burma (FAR Case 2008–004) (Interim)

This interim rule amends FAR Subparts 4.12, 15.1, 25.7, 25.11, and Part 52 to implement Section 6 of the Sudan Accountability and Divestment Act of 2007, and Executive Orders 13310 and 13448. Section 6 requires certification that the contractor does not conduct certain business operations in Sudan. This case also updates the list of countries from which most imports are prohibited, to reflect Burma as well as Sudan.

Dated: June 6, 2008.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E8–13152 Filed 6–11–08; 8:45 am]

BILLING CODE 6820–EP–S

Federal Register

Thursday,
June 12, 2008

Part VI

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial–Commercial–Institutional Steam Generating Units; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2005–0031; FRL–8576–2]

RIN 2060–AO61

Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the new source performance standards for electric utility steam generating units and industrial-commercial-institutional steam generating units. On June 13, 2007, EPA promulgated amendments to the standards for steam generating units. Subsequently, EPA received a petition for reconsideration which it is granting to the extent specified in the proposed action. EPA is proposing to amend specific provisions in the standards for steam generating units, as amended, to resolve issues and questions raised by the petitioner for reconsideration, and to correct technical and editorial errors that have been identified since promulgation. In addition, EPA is requesting comment on the appropriate opacity standard for owners/operators of affected facilities using a particulate matter continuous emissions monitoring system to demonstrate compliance with the applicable PM limit.

DATES: *Comments.* Comments must be received on or before July 28, 2008. If anyone contacts EPA by June 23, 2008 requesting to speak at a public hearing, EPA will hold a public hearing on June 27, 2008.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2005–0031, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *By Facsimile:* (202) 566–1741.
- *Mail:* Air and Radiation Docket, U.S. EPA, Mail Code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attn:* Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503. EPA requests a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).
- *Hand Delivery:* EPA Docket Center, Docket ID Number EPA–HQ–OAR–2005–0031, EPA West Building, 1301 Constitution Ave., NW., Room 3334, Washington, DC 20004. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2005–0031. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment through *http://www.regulations.gov,* EPA recommends that you include your name and other contact information in the body of your comment as well as 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 *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air and Radiation Docket EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Christian Fellner, Energy Strategies Group, Sector Policies and Programs Division (D243–01), U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541–4003, facsimile number (919) 541–5450, electronic mail (e-mail) address: *fellner.christian@epa.gov.*

SUPPLEMENTARY INFORMATION:

Regulated Entities. Entities potentially affected by this proposed action include, but are not limited to, the following:

Category	NAICS [1]	Examples of regulated entities
Industry	221112	Fossil fuel-fired electric utility steam generating units.
Federal Government	22112	Fossil fuel-fired electric utility steam generating units owned by the Federal Government.
State/local/tribal government	22112	Fossil fuel-fired electric utility steam generating units owned by municipalities.
	921150	Fossil fuel-fired electric utility steam generating units located in Indian Country.

Category	NAICS [1]	Examples of regulated entities
Any industrial, commercial, or institutional facility using a steam generating unit as defined in 60.40b or 60.40c.	211	Extractors of crude petroleum and natural gas.
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refiners and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational Services.

[1] North American Industry Classification System (NAICS) code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the proposed rule. To determine whether your facility is regulated by the proposed rule, you should examine the applicability criteria in § 60.40a, § 60.40b, or § 60.40c of 40 CFR part 60. If you have any questions regarding the applicability of the proposed rule to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

WorldWide Web (WWW). Following the Administrator's signature, a copy of the proposed amendments will be posted on the Technology Transfer Network's (TTN) policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

Public Hearing. If a public hearing is requested, it will be held at 10 a.m. at the EPA Facility Complex in Research Triangle Park, North Carolina or at an alternate site nearby. Contact Mr. Christian Fellner at 919–541–4003 to request a hearing, to request to speak at a hearing, to determine if a hearing will be held, or to determine the hearing location.

Outline. The information presented in this preamble is organized as follows:

I. Background
II. Proposed Amendments
A. Opacity Monitoring
B. Additional Proposed Amendments to Subpart D
C. Additional Proposed Amendments to Subpart Da
D. Additional Proposed Amendments to Subpart Db and Dc
III. Rationale for Proposed Amendments
A. Alternate Opacity Monitoring
B. Additional Proposed Amendments to Subpart Da
C. Additional Proposed Amendments to Subparts Db and Dc
IV. Opacity Monitoring for Facilities With PM CEMS
V. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paper Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. Background

New source performance standards (NSPS) implement Clean Air Act (CAA) section 111(b) and are issued for categories of sources which have been identified as causing, or contributing significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The primary purpose of the NSPS are to help States attain and maintain ambient air quality by ensuring that the best demonstrated emission control technologies are installed as industrial infrastructure is modernized. Since 1970, the NSPS have been successful in achieving long-term emissions reductions in numerous industries by assuring cost-effective controls are installed on new, reconstructed, and modified sources.

CAA section 111 requires that NSPS reflect the degree of emission limitation achievable through application of the best system of emissions reductions which (taking into consideration the cost of achieving such emissions reductions, any non-air quality health and environmental impact, and energy requirements) the Administrator determines has been adequately demonstrated. This level of control is commonly referred to as best demonstrated technology (BDT). CAA section 111(b)(1)(B) requires the EPA to periodically review and revise the standards of performance, as necessary, to reflect improvements in methods for reducing emissions.

We promulgated amendments to the new source performance standards for steam generating units (40 CFR part 60, subparts D, Da, Db, and Dc) on June 13, 2007 (72 FR 32710). The amendments added compliance alternatives for owners and operators of certain affected sources, revised certain recordkeeping and reporting requirements, corrected technical and editorial errors, and updated the grammatical style of the four subparts to be more consistent across all four steam generating unit NSPS.

A petition for reconsideration of the amendments was filed by the Coke Oven Environmental Task Force (COETF), and we have decided to grant reconsideration of the amendments to the extent specified in the proposed rule. The amendments proposed by this action address specific issues for which the petitioners requested reconsideration.

As part of this action, we are also proposing to specify opacity monitoring requirements for owners/operators of affected facilities that are subject to an opacity limit, but are not required to use a continuous opacity monitor system (COMS). In addition, we are proposing to amend other rule language to correct technical omissions, typographical errors, cross-reference errors, grammatical errors, and various other issues that have been identified since promulgation of the previous amendments. The proposed amendments would not significantly change our original projections for the rule's compliance costs, environmental benefits, burden on industry, or the number of affected facilities.

II. Proposed Amendments

A. Opacity Monitoring

We are proposing multiple options to monitor opacity for owners/operators of affected facilities that are subject to an opacity limit, but exempt from the COMS requirement. Under the first option, the owner/operator conducts an annual EPA Method 9 opacity performance test on each affected facility to demonstrate compliance with the applicable opacity limit. A second option is for the owner/operator to use annual EPA Method 22 observations in lieu of Method 9 observations to demonstrate that the sum of occurrences of any visible emissions is not in excess of 5 percent of the observation period. As a third option, we are proposing the use of a digital photographic technique for detecting visible emissions, as an explicit alternative to Method 22 observations. This proposed rule references an EPA preliminary method entitled ''Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems'' found at *http://www.epa.gov/tnn/emc/prelim/pre-008.pdf.* For this third option, the facility owner/operator would prepare a site-specific monitoring plan based on this technology for approval. Observations using either Method 22 or the digital photographic technique demonstrating that the presence of visible emissions is less than 5 percent of the observation period would be sufficient to demonstrate compliance with the opacity limit. However, if either the Method 22 observation or the digital photographic technique shows the presence of visible emissions in excess of 5 percent of the observation period, then the owner/operator would be required to conduct a Method 9 performance test within 24 hours to demonstrate compliance with the opacity limit.

We are also proposing to require owners/operators of affected facilities that elect to use PM CEMS to measure both the filterable and condensable particulate matter emissions and to take Method 9 opacity readings during the initial PM CEMS calibration and ongoing correlation testing and to electronically report those results.

B. Additional Proposed Amendments to Subpart D

We are proposing to exempt owners/operators of affected facilities subject to subpart D that burn 500 part per million (ppm) or less sulfur distillate oil from the requirement to install a COMS.

C. Additional Proposed Amendments to Subpart Da

We are proposing several additional amendments to subpart Da. First, we are proposing to exempt from the requirement to install a COMS owners/operators of affected facilities subject to subpart Da that burn 500 ppm or less sulfur distillate oil. Second, we are proposing to add a provision to postpone PM performance testing for owners/operators of affected facilities that are not operating at the time a PM performance test is required to be conducted. The PM performance test would not be required until after the affected facility recommences operation. Finally, we are proposing to add a provision requiring that owners/operators of an affected facility constructed after February 28, 2005 with a wet scrubber for which the owner/operator elects to use the opacity baseline approach to monitor the performance of their primary PM control device, to maintain the liquid-to-gas flow rate at 90 percent or higher of the ratio measured during the most recent PM performance test.

D. Additional Proposed Amendments to Subpart Db

We are proposing several amendments to subpart Db. First, since synthetic natural gas derived from coal has uncontrolled emissions similar to those of natural gas, we are proposing that synthetic natural gas derived from coal be considered natural gas instead of coal under the rule. Similarly, since diesel fuel has emissions similar to distillate oil, we are proposing to include diesel fuel in the definition of distillate oil. Second, we are proposing to amend the definition of potential sulfur dioxide emission rate. This will clarify that owners/operators of boilers burning gasified coal and oil that has been desulfurized prior to combustion are able to claim credit for pretreatment reductions when using the fuel-based compliance alternatives. Third, we are proposing to amend the definition of steam generating unit to clarify that all water heaters, regardless of the mechanism used to heat the water, are covered by the NSPS. Fourth, we are proposing to change the definition of very low sulfur oil from 0.30 weight percent sulfur to 0.50 weight percent sulfur for owners/operators of affected facilities built after February 28, 2005, that are located in noncontinental areas. Finally, we are proposing to allow fuel blending to achieve the optional numerical sulfur dioxide (SO_2) limit.

We are proposing to make several amendments primarily impacting owner/operators of boilers burning coke oven gas (COG). First, we are proposing to align the regulatory test with the intent of the amendments published June 13, 2007 (72 FR 32710) and extend the 30-day SO_2 limit maintenance exemption to owners/operators of COG-fired boilers constructed prior to February 28, 2005 to include maintenance of all SO_2 control technologies in the exemption, and to require reporting of what maintenance was performed during the control device outage. We are also proposing that owners/operators of affected facilities burning gasified coal receive the same nitrogen oxide (NO_X) monitoring options as owners/operators of affected facilities burning natural gas. If adopted, this amendment would provide owners/operators of affected facilities burning gasified coal the option to develop a site-specific monitoring plan as an alternative to using a NO_X CEMS to monitor NO_X emissions.

E. Additional Proposed Amendments to Subpart Dc

We are proposing several amendments to subpart Dc. First, since synthetic natural gas derived from coal has uncontrolled emissions similar to those of natural gas, we are proposing that synthetic natural gas derived from coal be considered natural gas instead of coal. Similarly, since diesel fuel has emissions similar to those of distillate oil, we are proposing to include diesel fuel in the definition of distillate oil. Second, we are proposing to amend the definition of steam generating unit to clarify that all water heaters, regardless of the mechanism used to heat the water, are covered by the NSPS. Finally, we are proposing to allow fuel blending to achieve the optional numerical SO_2 limit.

III. Rationale for Proposed Amendments

A. Alternate Opacity Monitoring

The amendments to the new source performance standards for steam generating units promulgated on June 13, 2007 (72 FR 32710) eliminated the requirement to install and properly operate a COMS, but not the opacity standard, for owners/operators of certain affected facilities. Those affected facilities include any steam generating unit using a PM CEMS to demonstrate compliance with the applicable PM limit, oil-fired steam generating units with a carbon monoxide CEMS, steam generating units firing 500 ppm sulfur distillate oil or less (subparts Db and Dc only), and owners/operators monitoring

opacity emissions under a site-specific plan approved by the permitting authority (subparts Db and Dc only). We intended in promulgating the previous amendments to provide the COMS exemption to owners/operators of steam generating units firing 500 ppm sulfur distillate oil or less across all of the subparts. However, we only added the regulatory language to subparts Db and Dc. The proposed amendments will implement the intent of the previous rulemaking by adding the language to subparts D and Da.

The previous amendments did not specify the type and frequency of alternate opacity monitoring for affected facilities that do not demonstrate compliance with the opacity limit using a COMS. Without adding specific requirements, it would be up to the permitting authority to determine the proper level of monitoring. Since the COMS exemption is only available to owner/operators of facilities continuously monitoring parameters indicative of opacity (i.e., oil-fired facilities with CO CEMS) or burning fuels with inherently low opacity (i.e., 500 ppm sulfur distillate oil-fired facilities), we are proposing to require opacity observations be done only every 12 months. However, this does not prevent the permitting authority, or any qualified individual, from performing Method 9 observation at any time to determine excess opacity. While Method 9 remains the most reliable means of determining compliance with an applicable opacity limit, we are including Method 22 as an alternative to Method 9 since it requires an observer, but not necessarily a certified Method 9 observer. This option is likely to lower the compliance burden, since an uncertified observer is able to monitor the affected facility for any visible emissions (i.e., not zero). For sources with multiple stacks, the use of a digital camera system would also reduce compliance costs, while still providing equivalent protection for the environment.

Due to the potential emissions from steam generating units, especially utility size facilities, we are specifically requesting comment on whether the frequency of the opacity observations should be increased and are considering two alternatives for the final rule. The first would increase the frequency of performance testing and require that Method 9 performance tests be completed once each calendar month or once each calendar quarter. The second alternate approach we are considering would require the owner/operator to perform either daily or weekly Method 22 (or digital photographic technique) brief observations (i.e., 5 to 15 minutes). If any visible emissions are detected, the owner/operator would be required to conduct a longer (i.e., at least 1 hour) observation to determine if the sum of the time visible emissions are present is less than 5 percent of the observation period. If the visible emissions are in excess of 5 percent of the observation period, then a Method 9 performance test would be required within 24 hours. The benefit of the frequent, but brief, Method 22 approach is that it provides more assurance than the once a year approach that the facility is operating properly, but it still keeps the compliance burden relatively low.

B. Additional Proposed Amendments to Subpart Da

We are proposing to delay the required PM performance test for facilities that are not operating at the time such a test is otherwise required because we have concluded that it is not beneficial to the environment or appropriate to require a facility to operate just to conduct a performance test. Also, in the June 13, 2007 rulemaking (72 FR 32710), we intended to include the requirement that owners/operators of an affected facility constructed after February 28, 2005 that employs a wet scrubber who choose to use a baseline opacity level to monitor PM control device performance maintain the liquid to gas ratio of the scrubber that was used during the most recent performance test. Since scrubbers can potentially impact PM emissions, we have concluded that it is necessary that the liquid to gas ratio be maintained at the same or higher level as during the performance test as part of the requirement to demonstrate continuous compliance with the PM limit. This provision is presently included in the requirements for owners/operators using a predictive electrostatic precipitator (ESP) model to monitor PM control device performance, and the proposed amendments update the regulatory text to reflect the intent of the original rulemaking.

C. Additional Proposed Amendments to Subparts Db and Dc

The intent of the alternate numerical SO_2 limit of 0.20 lb SO_2/MMBtu added in the amendments published on February 27, 2006 (71 FR 9866) was to provide flexibility to owners/operators of steam generating units burning fuels with inherently low sulfur contents. We are proposing to clarify that fuel blending with low sulfur fuels (i.e. natural gas) can be done to achieve the optional numerical SO_2 limit. The use of fuel blending decreases compliance costs for facilities. If a facility gets a single delivery of fuel with higher than expected sulfur content, the facility owner/operator can blend in low sulfur fuels to achieve the standard.

The proposal also clarifies that the term steam generating unit includes units which heat water regardless of whether the water is heated directly, indirectly, or as a heat transfer medium. The preambles to the final subpart Db rulemakings (November 25, 1986, 51 FR 42768 and 42772) and December 16, 1987 (52 FR 47826) were clear about our intent to include facilities which produce hot water without subsequently converting the water to steam in the definition of steam generating unit. Because there continues to be questions as to whether the definition of steam generating unit includes direct contact water heaters, we are taking this opportunity to confirm that ''steam generating unit'' includes any unit that combusts fuel and heats water, and does not categorically exclude direct contact water heaters. This clarification is not meant to reverse source-specific applicability determinations that were issued prior to today. We are also reaffirming that fuel combustion units which function as process heaters are not covered as steam generating units if their primary purpose is to heat a fluid in order to initiate or promote a chemical reaction in which the fluid itself is a reactant or catalyst. The heating of water to act as a heat transfer medium for vaporizing liquid natural gas, for example, would not generally meet the definition of a process heater.

The proposed amendments addressing steam generating units located in noncontinental areas that burn distillate oil or residual oil is based on the fact that oil containing 0.30 weight percent or less sulfur is not always readily available to owners/operators of such units, but that 0.50 weight percent sulfur distillate oil and residual oil are generally available. It was not the intent of the amendments published on February 27, 2006 (71 FR 9866) to require owners/operators of oil-fired steam generating units located in noncontinental areas to incur high fuel transportation costs or to install post combustion controls on oil-fired boilers. The proposed amendments to the definition of very low sulfur oil and the corresponding low sulfur oil PM exemption and SO_2 limit exemptions would allow owner/operators of oil-fired steam generating units located in noncontinental areas to demonstrate compliance with both limits using fuel receipts.

We are proposing that gasified coal (including COG) have the same NO_X

monitoring option as natural gas, distillate oil, and low nitrogen content residual oil since gasified coal has uncontrolled NO_X emissions similar to those of natural gas. Even though COG is a byproduct gas and not generated for the purposes of creating useful heat, it is considered coal for the purposes of subpart Db. In addition, even though the chemical compositions of COG and gasified coal that is generated for the purposes of creating useful heat are different, both have similar uncontrolled NO_X emission rates.

Because of the specific characteristics of the steel industry, the current regulations allow a 30-day exceedance per year from the SO_2 emission limit for steam generating units constructed after February 28, 2005 that burn COG exclusively or in combination with other gaseous fuels or distillate oil. COG desulfurization facilities regardless of when the steam generating units they serve were constructed require periodic maintenance, but the coking process continues during this time, and it is cost prohibitive to store the COG. Coke-making facilities would either have to install a second desulfurization unit or flare the COG and burn natural gas during the maintenance period. Of these two options, the least cost option would be to flare the COG and use natural gas during the annual maintenance. This would result in both increased cost to the steel industry and increased NO_X emissions without achieving any reductions in SO_2. We are, therefore, proposing to expand this exemption to owners/operators of COG-fired boilers constructed prior to February 28, 2005 and to the use of post-combustion controls since both pre- and post-combustion controls require maintenance. We are also proposing to add a reporting requirement to assure that any SO_2 exceedances are due to valid maintenance periods.

IV. Opacity Monitoring for Facilities With PM CEMS

There are several conditions that result in opacity from steam generating units. These include emissions of PM, NO_X, and reactions of stack gases in the atmosphere. However, opacity from NO_X emissions is rare and only occurs at high NO_X emissions rates. All modern steam generating units have inherent NO_X emissions rates below the level that would result in opacity emissions. Therefore, for modern steam generating units, the primary causes of opacity are PM and reactions of stack gases that occur after the gases are discharged to the atmosphere. PM CEMS detect solid or liquid PM at the stack conditions, and COMS detect anything that blocks light at the stack conditions. Since PM CEMS measure filterable PM (PM that is either in a solid or liquid state at the stack conditions) and COMS measure opaque material that can be used as a surrogate for particulate matter, we concluded in a previous rulemaking (71 FR 9866) that it is appropriate for owners/operators of affected facilities who use a PM CEMS (to demonstrate compliance with the applicable PM limit) to eliminate the use of COMS. However, the opacity standard itself was not eliminated, and owners/operators of facilities who elect not to install PM CEMS are required to continue to use COMS. Furthermore, it is possible that an owner/operator of an affected facility could be in compliance with the opacity limit in the stack (i.e., COMS measurements), but that a Method 9 observation could detect plume opacity violations.

Since opacity data has been used as a surrogate for PM emissions [1] and since PM CEMS give a more direct continuous measurement of the primary pollutant of interest causing opacity at steam generating units and provides data in units of the PM standard, we are requesting comment on if eliminating the opacity standard altogether for owner/operators using PM CEMS would be appropriate. However, neither a COMS nor a PM CEMS [2] detects condensable PM (i.e., PM that is in the gaseous state at the stack conditions but that will condense to form solid or liquid particulate matter at atmospheric conditions). Therefore, if we were to adopt this option and eliminate the opacity requirement for affected facilities with PM CEMS, we are proposing to require owners/operators of an affected facility with a PM CEMS to measure and electronically report filterable and condensable PM along with Method 9 opacity data (Method 9 observations of the plume opacity may detect the presence of condensable PM) during the initial and ongoing calibration of the PM CEMS. With sufficient data, we will be able to determine if a relationship exists between filterable and condensable PM and opacity and to establish direct or parametric monitoring approaches for condensable PM, including those relying on techniques other than opacity, and an appropriate condensable PM limit.

[1] Opacity is also used as an indicator of control device operation and proper maintenance.

[2] New PM CEMS are being developed that may measure condensable PM.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is, therefore, not subject to review under the EO. EPA has concluded that the amendments will not change the costs or benefits of the rule. However, EPA is requesting additional comments on the issue.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The proposed amendments result in no changes to the information collection requirements of the existing standards of performance and would have no impact on the information collection estimate of projected cost and hour burden made and approved by the OMB during the development of the existing standards of performance. Therefore, the information collection requests have not been amended. However, OMB has previously approved the information collection requirements contained in the existing regulations (40 CFR part 60, subparts Da, Db, and Dc) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, at the time the standards were promulgated on June 11, 1979 (40 CFR part 60, subpart Da, 44 FR 33580), November 25, 1986 (40 CFR part 60, subpart Db, 51 FR 42768), and September 12, 1990 (40 CFR part 60, subpart Dc, 55 FR 37674). OMB assigned OMB control numbers 2060–0023 for 40 CFR part 60, subpart Da, 2060–0072 for 40 CFR part 60, subpart Db, and 2060–0202 for 40 CFR part 60, subpart Dc. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR

121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

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

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, this rule is not subject to the requirements of section 202 and 205 of the UMRA. In addition, EPA determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because the burden is small and the regulation does not unfairly apply to small governments. Therefore, this rule is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order (EO) 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the EO to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in EO 13132. These proposed amendments will not impose substantial direct compliance costs on State or local governments; they will not preempt State law. Thus, EO 13132 does not apply to this rule. In the spirit of EO 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in EO 13175. Thus, EO 13175 does not apply to this rule. EPA specifically solicits additional comment on this proposed rule from tribal officials.

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

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This proposed rule is not subject to EO 13045 because it is based solely on technology performance.

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

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

I. National Technology Transfer Advancement Act

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

This proposed rulemaking involves technical standards. EPA proposes to use ASTM D975–08, ''Standard Specification for Diesel Fuel Oils,'' for defining diesel fuel oil. This standard is available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959.

The EPA has also decided to use EPA Method 202 (40 CFR part 51, appendix M). The Agency has not found any alternative methods. The search and review results are in the docket for this regulation.

Under 40 CFR 60.13(i) of the NSPS General Provisions, a source may apply to EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications, or procedures in the final rule and amendments. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this proposed action.

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

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practical and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high adverse human health or environmental effects on any populations, including any minority or low-income population.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 30, 2008.

Stephen L. Johnson,

Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 60, of the Code of the Federal Regulations is proposed to be amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

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

Subpart A—[Amended]

2. Section 60.17 is amended by redesignating paragraphs (a)(17) through (a)(92) as paragraphs (a)(18) through (a)(93) and by adding new paragraph (a)(17) to read as follows:

§ 60.17 Incorporations by Reference.

* * * * *

(17) ASTM D975–08, Standard Specification for Diesel Fuel Oils, IBR approved for §§ 60.41(b) of subpart Db of this part and 60.41c of subpart Dc of this part.

* * * * *

Subpart D—[Amended]

3. Section 60.43 is amended by revising paragraph (d) to read as follows:

§ 60.43 Standard for sulfur dioxide (SO_2).

* * * * *

(d) As an alternate to meeting the requirements of paragraphs (a) and (b) of this section, an owner or operator can petition the Administrator (in writing) to comply with § 60.43Da(i)(3) of subpart Da of this part or comply with § 60.42b(k)(4) of subpart Db of this part, as applicable to the affected source. If the Administrator grants the petition, the source will from then on (unless the unit is modified or reconstructed in the future) have to comply with the requirements in § 60.43Da(i)(3) of subpart Da of this part or § 60.42b(k)(4) of subpart Db of this part, as applicable to the affected source.

* * * * *

4. Section 60.45 is amended to read as follows:

a. By revising paragraph (b)(1) and adding new paragraph (b)(7); and

b. By revising paragraphs (g)(2),(g)(3), and (g)(4).

§ 60.45 Emissions and fuel monitoring.

* * * * *

(b) * * *

(1) For a fossil-fuel-fired steam generator that burns only gaseous or liquid fossil fuel (excluding residual oil) with potential SO_2 emissions rates of 26 ng/J (0.060 lb/MMBtu) or less and that does not use post-combustion technology to reduce emissions of SO_2 or PM, CEMS for measuring the opacity of emissions and SO_2 emissions are not required if the owner or operator monitors SO_2 emissions by fuel sampling and analysis or fuel receipts.

* * * * *

(7) The owner or operator of an affected facility subject to an opacity standard under § 60.42 and that elects to not install a CEMS for measuring opacity because the affected facility burns only fuels as specified under paragraph (b)(1) of this section, monitors PM emissions as specified under paragraph (b)(5) of this section, or monitors CO emissions as specified under paragraph (b)(6) of this section shall comply with either paragraphs (b)(7)(i), (b)(7)(ii), or (b)(7)(iii) of this section.

(i) Conduct a performance test using Method 9 of Appendix A–4 of this part and the procedures in § 60.11 to demonstrate compliance with the applicable limit in § 60.42. The Method 9 observations must be completed, at a minimum, every 12 months; or

(ii) Conduct a series of three 1-hour observations (during normal operation) using Method 22 of Appendix A–7 of this part at the affected facility and demonstrate that the sum of the occurrences of any visible emissions is not in excess of 5 percent of the observation period (i.e., 9 minutes per 3-hour period). The Method 22 observations must be completed, at a minimum, every 12 months. If the sum of the occurrences of visible emissions in excess of 5 percent of the observation period, then the owner or operator shall conduct a performance test within 24 hours according to the requirements in § 60.46(a)(3); or

(iii) Monitor opacity using a digital opacity compliance system according to a site-specific monitoring plan approved by the Administrator. The observations should include at least one digital image every 15 seconds for three separate 1-hour periods (during normal operation) every 12 months. An approvable monitoring plan should include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period (i.e., 36 observations per 3-hour period). For reference purposes in preparing the monitoring plan, see OAQPS ''Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.'' This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Policy Group (D243–02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within

24 hours according to the requirements in § 60.46(a)(3).

* * * * *

(g) * * *

(2) *Sulfur dioxide.* Excess emissions for affected facilities are defined as:

(i) For affected facilities electing not to comply with § 60.43(d), any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) of SO_2 as measured by a CEMS exceed the applicable standard under § 60.43; or

(ii) For affected facilities electing to comply with § 60.43(d), any 30 operating day period during which the average emissions (arithmetic average of all one-hour periods during the 30 operating days) of SO_2 as measured by a CEMS exceed the applicable standard under § 60.43. Facilities complying with the 30-day SO_2 standard shall use the most current associated SO_2 compliance and monitoring requirements in §§ 60.48Da and 60.49Da of subpart Da of this part or §§ 60.45b and 60.47b of subpart Db of this part, as applicable.

(3) *Nitrogen oxides.* Excess emissions for affected facilities using a CEMS for measuring NO_X are defined as:

(i) For affected facilities electing not to comply with § 60.44(e), any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) exceed the applicable standards under § 60.44; or

(ii) For affected facilities electing to comply with § 60.44(e), any 30 operating day period during which the average emissions (arithmetic average of all one-hour periods during the 30 operating days) of NO_X as measured by a CEMS exceed the applicable standard under § 60.44. Facilities complying with the 30-day NO_X standard shall use the most current associated NO_X compliance and monitoring requirements in §§ 60.48Da and 60.49Da of subpart Da of this part.

(4) *Particulate matter.* Excess emissions for affected facilities using a CEMS for measuring PM are defined as any boiler operating day period during which the average emissions (arithmetic average of all operating one-hour periods) exceed the applicable standards under § 60.42. Affected facilities using PM CEMS in lieu of a CEMS for monitoring opacity emissions must follow the most current applicable compliance and monitoring provisions in §§ 60.48Da and 60.49Da of subpart Da of this part.

5. Section 60.46 is amended by revising paragraph (b)(2) introductory text to read as follows:

§ 60.46 Test methods and procedures.

* * * * *

(b) * * *

(2) Method 5 of appendix A–3 of this part shall be used to determine PM concentration (C) at affected facilities without wet flue-gas-desulfurization (FGD) systems and Method 5B of appendix A–3 of this part shall be used to determine the PM concentration (C) after FGD systems. Method 5 or 5B of appendix A–3 of this part, Method 17 of appendix A–6 of this part may be used at facilities with or without wet FGD systems if the stack gas temperature at the sampling location does not exceed an average temperature of 160 °C (320 °F). The procedures of sections 2.1 and 2.3 of Method 5B of appendix A–3 of this part may be used with Method 17 of appendix A–6 of this part only if it is used after wet FGD systems. Method 17 of appendix A–6 of this part shall not be used after wet FGD systems if the effluent gas is saturated or laden with water droplets.

* * * * *

Subpart Da—[Amended]

6. Section 60.40Da is amended by revising paragraph (b)(4) to read as follows:

§ 60.40Da Applicability and designation of affected facility.

* * * * *

(b) * * *

(4) Heat recovery steam generators that are associated with combined cycle gas turbines that meet the applicability requirements of subpart KKKK of this part are not subject to this part. This subpart will continue to apply to all other electric utility combined cycle gas turbines that are capable of combusting more than 73 MW (250 MMBtu/hr) heat input of fossil fuel in the heat recovery steam generator. If the heat recovery steam generator is subject to this subpart and the stationary combustion turbine is subject to either subpart GG or KKKK of this part, only emissions resulting from combustion of fuels in the steam-generating unit are subject to this subpart. (The stationary combustion turbine emissions are subject to subpart GG or KKKK, as applicable, of this part).

* * * * *

7. Section 60.41Da is amended in paragraph (c) by revising the definitions of ''Gross output,'' ''Petroleum,'' and ''Potential combustion concentration'' to read as follows:

§ 60.41Da Definitions.

* * * * *

(c) * * *

Gross output means the gross useful work performed by the steam generated and, for an IGCC electric utility steam generating unit, the work performed by the stationary combustion turbines. For a unit generating only electricity, the gross useful work performed is the gross electrical output from the unit's turbine/generator sets. For a cogeneration unit, the gross useful work performed is the gross electrical or mechanical output plus 75 percent of the useful thermal output, measured relative to ISO conditions, that is not used to generate additional electrical or mechanical output or to enhance the performance of the unit (i.e., steam delivered to an industrial process).

* * * * *

Petroleum means crude oil or a fuel derived from crude oil, including, but not limited to, distillate oil, residual oil, and petroleum coke.

Potential combustion concentration means the theoretical emissions (nanograms per joule (ng/J), lb/MMBtu heat input) that would result from combustion of a fuel in an uncleaned state without emission control systems and:

* * * * *

8. Section 60.48Da is amended to read as follows:

a. By revising paragraph (n);

b. By revising paragraphs (o) introductory text, (o)(1), (o)(2)(ii) introductory text, (o)(2)(iii), (o)(2)(iv), (o)(2)(vi), (o)(3)(i), (o)(3)(iii), and (o)(5); and

c. By adding paragraph (q).

§ 60.48Da Compliance provisions.

* * * * *

(n) *Compliance provisions for sources subject to § 60.42Da(c)(1).* The owner or operator of an affected facility subject to § 60.42Da(c)(1) shall calculate PM emissions by multiplying the average hourly PM output concentration (measured according to the provisions of § 60.49Da(t)), by the average hourly flow rate (measured according to the provisions of § 60.49Da(l) or § 60.49Da(m)), and divided by the average hourly gross energy output (measured according to the provisions of § 60.49Da(k)). Compliance with the emission limit is determined by calculating the arithmetic average of the hourly emission rates computed for each boiler operating day.

(o) *Compliance provisions for sources subject to § 60.42Da(c)(2) or (d).* Except as provided for in paragraph (p) of this section and § 60.49Da(a)(2), the owner or operator of an affected facility for which construction, reconstruction, or modification commenced after February 28, 2005, shall demonstrate compliance with each applicable emission limit

according to the requirements in paragraphs (o)(1) through (o)(5) of this section.

(1) You must conduct a performance test to demonstrate initial compliance with the applicable PM emissions limit in § 60.42Da(c)(2) or (d) by the applicable date specified in § 60.8(a). Thereafter, you must conduct each subsequent performance test within 12 calendar months following the date the previous performance test was required to be conducted. You must conduct each performance test according to the requirements in § 60.8 using the test methods and procedures in § 60.50Da. An affected facility that has not operated for 2 months prior to the due date of a performance test is not required to perform the subsequent performance test until 60 days after the next boiler operating day.

(2) * * *

(ii) You must comply with the quality assurance requirements in paragraphs (o)(2)(ii)(A) through (E) of this section.

* * * * *

(iii) During each performance test conducted according to paragraph (o)(1) of this section, you must establish an opacity baseline level. The value of the opacity baseline level is determined by averaging all of the 6-minute average opacity values (reported to the nearest 0.1 percent opacity) from the COMS measurements recorded during each of the test run intervals conducted for the performance test, and then adding 2.5 percent opacity to your calculated average opacity value for all of the test runs. If your opacity baseline level is less than 5.0 percent, then the opacity baseline level is set at 5.0 percent.

(iv) You must evaluate the preceding 24-hour average opacity level measured by the COMS each boiler operating day excluding periods of affected facility startup, shutdown, or malfunction. If the measured 24-hour average opacity emission level is greater than the baseline opacity level determined in paragraph (o)(2)(iii) of this section, you must initiate investigation of the relevant equipment and control systems within 24 hours of the first discovery of the high opacity incident and take the appropriate corrective action as soon as practicable to adjust control settings or repair equipment to reduce the measured 24-hour average opacity to a level below the baseline opacity level. In cases when a wet scrubber is used alone or in combination with another PM control device to comply with the PM emissions limit, the daily average liquid-to-gas flow rate for the wet scrubber must be maintained at least at 90 percent of average ratio measured during all test run intervals for the performance test conducted according to paragraph (o)(1) of this section.

* * * * *

(vi) If the measured 24-hour average opacity for your affected facility remains at a level greater than the opacity baseline level after 7 boiler operating days, then you must conduct a new PM performance test according to paragraph (o)(1) of this section and establish a new opacity baseline value according to paragraph (o)(2) of this section. This new performance test must be conducted within 60 days of the date that the measured 24-hour average opacity was first determined to exceed the baseline opacity level unless a waiver is granted by the permitting authority.

(3) * * *

(i) You must calibrate the ESP predictive model with each PM control device used to comply with the applicable PM emissions limit in § 60.42Da(c)(2) or (d) operating under normal conditions. In cases when a wet scrubber is used in combination with an ESP to comply with the PM emissions limit, the daily average liquid-to-gas flow rate for the wet scrubber must be maintained at least at 90 percent of average ratio measured during all test run intervals for the performance test conducted according to paragraph (o)(1) of this section.

* * * * *

(iii) You must run the ESP predictive model using the applicable input data each boiler operating day and evaluate the model output for the preceding boiler operating day excluding periods of affected facility startup, shutdown, or malfunction. If the values for one or more of the model parameters exceed the applicable baseline levels determined according to your approved site-specific monitoring plan, you must initiate investigation of the relevant equipment and control systems within 24 hours of the first discovery of a model parameter deviation and, take the appropriate corrective action as soon as practicable to adjust control settings or repair equipment to return the model output to within the applicable baseline levels.

* * * * *

(5) An owner or operator of a modified affected facility electing to meet the emission limitations in § 60.42Da(d) shall determine the percent reduction in PM by using the emission rate for PM determined by the performance test conducted according to the requirements in paragraph (o)(1) of this section and the ash content on a mass basis of the fuel burned during each performance test run as determined by analysis of the fuel as fired.

* * * * *

(q) *Compliance provisions for sources subject to § 60.42Da(b).* An owner or operator of an affected facility subject to the opacity standard under § 60.42Da(b) shall meet the requirements in paragraphs (q)(1) and (2) of this section.

(1) Demonstrate compliance of the affected facility with the opacity limit in § 60.42Da(b) initially and, thereafter, except as provided in paragraphs § 60.49Da(a)(3)(ii) and (iii), at least once every 12 months according to the requirements in § 60.50Da(b)(3), and

(2) Monitor the opacity of emissions discharged from the affected facility to the atmosphere according to the requirements in § 60.49Da(a), as applicable to the affected facility.

9. Section 60.49Da is amended to read as follows:

a. By revising paragraph (a);
b. By revising paragraph (t);
c. By revising paragraph (u);
d. By revising paragraph (v); and
e. By revising paragraph (w)(2).

§ 60.49Da Emission monitoring.

(a) An owner or operator of an affected facility subject to the opacity standard under § 60.42Da(b) shall monitor the opacity of emissions discharged from the affected facility to the atmosphere according to the applicable requirements in paragraphs (a)(1) through (3) of this section.

(1) Except as provided for in paragraph (a)(2) of this section, the owner or operator of an affected facility, shall install, calibrate, maintain, and operate a CEMS, and record the output of the system, for measuring the opacity of emissions discharged to the atmosphere (i.e., install, calibrate, maintain, and operate a COMS). If opacity interference due to water droplets exists in the stack (for example, from the use of an FGD system), the opacity is monitored upstream of the interference (at the inlet to the FGD system). If opacity interference is experienced at all locations (both at the inlet and outlet of the SO_2 control system), alternate parameters indicative of the PM control system's performance and/or good combustion are monitored (subject to the approval of the Administrator).

(2) An owner or operator of an affected facility that meets the conditions in either paragraph (a)(2)(i), (ii), or (iii) of this section may elect to comply with the requirements of paragraph (a)(3) of this section as an alternative to the monitoring

requirements in paragraph (a)(1) of this section.

(i) The affected facility uses a CEMS for measuring PM emissions to demonstrate continuous compliance on a boiler operating day average with the emissions limitations under §§ 60.42Da(a)(1), 60.42Da(c)(1), or 60.42Da(c)(2), and the PM CEMS is installed, certified, operated, and maintained on the affected facility according to the requirements of paragraph (v) of this section; or

(ii) The affected facility burns only gaseous or liquid fuels (excluding residual oil) with potential SO_2 emissions rates of 26 ng/J (0.060 lb/MMBtu) or less, and does not use a post-combustion technology to reduce emissions of SO_2 or PM; or

(iii) The affected facility does not use post-combustion technology (except a wet scrubber) for reducing PM, SO_2, or carbon monoxide (CO) emissions, burns only natural gas, gaseous fuels, or fuel oils that contain less than or equal to 0.30 weight percent sulfur, and is operated such that emissions of CO to the atmosphere from the affected facility are maintained at levels less than or equal to 1.4 lb/MWh on a boiler operating day average basis. Owners and operators of affected facilities electing to comply with this paragraph must use a CEMS measuring CO emissions and demonstrate compliance according to the procedures specified in paragraph (u) of this section.

(3) The owner or operator of an affected facility that meets the conditions in paragraph (a)(2) of this section shall monitor the opacity of emissions discharged from the affected facility to the atmosphere according to the requirements in either paragraph (a)(3)(i), (ii), or (iii) of this section,

(i) Conduct a performance test using Method 9 of appendix A–4 of this part and the procedures in § 60.11 to demonstrate compliance with the limit in § 60.42Da(b). The Method 9 observations must be completed, at a minimum, every 12 months; or

(ii) Conduct a series of three 1-hour observations (during normal operation) using Method 22 of appendix A–7 of this part at the affected facility and demonstrate that the sum of the occurrences of any visible emissions is not in excess of 5 percent of the observation period (i.e., 9 minutes per 3-hour period). The Method 22 observations must be completed, at a minimum, every 12 months. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within 24 hours according to the requirements in § 60.50Da(b)(3); or

(iii) Monitor opacity using a digital opacity compliance system according to a site-specific monitoring plan approved by the Administrator. The observations should include at least one digital image every 15 seconds for three separate 1-hour periods (during normal operation) every 12 months. An approvable monitoring plan should include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period (i.e., 36 observations per 3-hour period). For reference purposes in preparing the monitoring plan, see OAQPS ''Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.'' This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Policy Group (D243–02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within 24 hours according to the requirements in § 60.50Da(b)(3).

* * * * *

(t) The owner or operator of an affected facility demonstrating compliance with the output-based emissions limitation under § 60.42Da(c)(1) shall install, certify, operate, and maintain a CEMS for measuring PM emissions according to the requirements of paragraph (v) of this section. An owner or operator of an affected facility demonstrating compliance with the input-based emission limitation under § 60.42Da(a)(1) or § 60.42Da(c)(2) may install, certify, operate, and maintain a CEMS for measuring PM emissions according to the requirements of paragraph (v) of this section.

(u) The owner or operator of an affected facility using a CEMS measuring CO emissions to meet requirements of this subpart shall meet the requirements specified in paragraphs (u)(1) through (4) of this section.

(1) You must monitor CO emissions using a CEMS according to the procedures specified in paragraphs (u)(1)(i) through (iv) of this section.

(i) The CO CEMS must be installed, certified, maintained, and operated according to the provisions in § 60.58b(i)(3) of subpart Eb of this part.

(ii) Each 1-hour CO emissions average is calculated using the data points generated by the CO CEMS expressed in parts per million by volume corrected to 3 percent oxygen (dry basis).

(iii) At a minimum, valid 1-hour CO emissions averages must be obtained for at least 90 percent of the operating hours on a 30-day rolling average basis. At least two data points per hour must be used to calculate each 1-hour average.

(iv) Quarterly accuracy determinations and daily calibration drift tests for the CO CEMS must be performed in accordance with procedure 1 in appendix F of this part.

(2) You must calculate the 1-hour average CO emissions levels for each boiler operating day by multiplying the average hourly CO output concentration measured by the CO CEMS times the corresponding average hourly flue gas flow rate and divided by the corresponding average hourly useful energy output from the affected facility. The 24-hour average CO emission level is determined by calculating the arithmetic average of the hourly CO emission levels computed for each boiler operating day.

(3) You must evaluate the preceding 24-hour average CO emission level each boiler operating day excluding periods of affected facility startup, shutdown, or malfunction. If the 24-hour average CO emission level is greater than 1.4 lb/MWh, you must initiate investigation of the relevant equipment and control systems within 24 hours of the first discovery of the high emission incident and, take the appropriate corrective action as soon as practicable to adjust control settings or repair equipment to reduce the 24-hour average CO emission level to 1.4 lb/MWh or less.

(4) You must record the CO measurements and calculations performed according to paragraph (u)(3) of this section and any corrective actions taken. The record of corrective action taken must include the date and time during which the 24-hour average CO emission level was greater than 1.4 lb/MWh, and the date, time, and description of the corrective action.

(v) The owner or operator of an affected facility using a CEMS measuring PM emissions to meet requirements of this subpart shall install, certify, operate, and maintain the CEMS as specified in paragraphs (v)(1) through (v)(4) of this section.

(1) The owner or operator shall conduct a performance evaluation of the CEMS according to the applicable requirements of § 60.13, Performance

Specification 11 in appendix B of this part, and procedure 2 in appendix F of this part.

(2) During each PM correlation testing run of the CEMS required by Performance Specification 11 in appendix B of this part, PM and O_2 (or CO_2) data shall be collected concurrently (or within a 30-to 60-minute period) by both the CEMS and conducting performance tests using the following test methods.

(i) For PM, Method 5 or 5B of appendix A–3 of this part or Method 17 of appendix A–6 of this part shall be used; and

(ii) For condensable PM emissions, Method 202 of appendix M of part 51 shall be used; and

(iii) For visible emissions, Method 9 of Appendix A–4 shall be used; and

(iv) For O_2 (or CO_2), Method 3, 3A, or 3B of appendix A–2 of this part, as applicable shall be used.

(3) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 2 in appendix F of this part. Relative Response Audits must be performed annually and Response Correlation Audits must be performed every 3 years.

(4) Within 90 days after the date of completing each performance evaluation required by paragraph (v) of this section, the owner or operator of the affected facility must submit the test data to EPA by successfully entering the data electronically into EPA's WebFire data base available at *http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main*. If the owner or operator is unsuccessful in entering the test data into EPA's WebFire data base, then the owner or operator must submit monthly reports to EPA until the data is successfully submitted to WebFire. The monthly reports shall describe the difficulty preventing successful submittal of the data and what actions are being taken to correct the problem.

(w) * * *

(2) As an alternative to meeting the requirements of paragraph (w)(1) of this section, an owner or operator may elect to implement the following alternative data accuracy assessment procedures. For all required CO_2 and O_2 CEMS and for SO_2 and NO_X CEMS with span values greater than or equal to 100 ppm, the daily calibration error test and calibration adjustment procedures described in sections 2.1.1 and 2.1.3 of appendix B to part 75 of this chapter may be followed instead of the CD assessment procedures in Procedure 1, section 4.1 of appendix F of this part. If this option is selected, the data validation and out-of-control provisions in sections 2.1.4 and 2.1.5 of appendix B to part 75 of this chapter shall be followed instead of the excessive CD and out-of-control criteria in Procedure 1, section 4.3 of appendix F to this part. For the purposes of data validation under this subpart, the excessive CD and out-of-control criteria in Procedure 1, section 4.3 of appendix F to this part shall apply to SO_2 and NO_X span values less than 100 ppm;

* * * * *

10. Section 60.50Da is amended by revising paragraph (f) to read as follows:

§ 60.50Da Compliance determination procedures and methods.

* * * * *

(f) Electric utility combined cycle gas turbines that are not designed and intended to burn fuels containing 50 percent (by heat input) or more solid derived fuel not meeting the definition of natural gas on a 12-month rolling average are performance tested for PM, SO_2, and NO_X using the procedures of Method 19 of appendix A–7 of this part. The SO_2 and NO_X emission rates from the gas turbine used in the Method 19 calculations are determined when the gas turbine is performance tested under subpart GG of this part. The potential uncontrolled PM emission rate from a gas turbine is defined as 17 ng/J (0.04 lb/MMBtu) heat input.

* * * * *

Subpart Db—[Amended]

11. Section 60.40b is amended by revising paragraph (i) to read as follows:

§ 60.40b Applicability and delegation of authority.

* * * * *

(i) Heat recovery steam generators that are associated with combined cycle gas turbines and that meet the applicability requirements of subpart KKKK of this part are not subject to this subpart. This subpart will continue to apply to all other heat recovery steam generators that are capable of combusting more than 29 MW (100 MMBtu/hr) heat input of fossil fuel. If the heat recovery steam generator is subject to this subpart, only emissions resulting from combustion of fuels in the steam generating unit are subject to this subpart. (The gas turbine emissions are subject to subpart GG or KKKK, as applicable, of this part.)

* * * * *

12. Section 60.41b is amended in paragraph by revising the definitions of ''Coal,'' ''Distillate oil,'' ''Gaseous fuel,'' ''Gross output,'' ''Natural gas,'' ''Potential sulfur dioxide emission rate,'' ''Pulverized coal-fired steam generating unit,'' ''Steam generating unit,'' and ''Very low sulfur oil'' to read as follows:

§ 60.41b Definitions.

* * * * *

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see § 60.17), coal refuse, and petroleum coke. Coal-derived synthetic fuels, including but not limited to solvent refined coal, gasified coal not meeting the definition of natural gas, coal-oil mixtures, coke oven gas, and coal-water mixtures, are also included in this definition for the purposes of this subpart.

* * * * *

Distillate oil means fuel oils that contain 0.05 weight percent nitrogen or less and comply with the specifications for fuel oil numbers 1 and 2, as defined by the American Society of Testing and Materials in ASTM D396 (incorporated by reference, see § 60.17) or diesel fuel oil as defined by the American Society for Testing and Materials in ASTM D975 (incorporated by reference, see § 60.17).

* * * * *

Gaseous fuel means any fuel that is present as a gas at ISO conditions. This includes, but is not limited to, natural gas and gasified coal (including coke oven gas).

Gross output means the gross useful work performed by the steam generated. For units generating only electricity, the gross useful work performed is the gross electrical output from the turbine/generator set. For cogeneration units, the gross useful work performed is the gross electrical or mechanical output plus 75 percent of the useful thermal output, measured relative to ISO conditions, that is not used to generate additional electrical or mechanical output or to enhance the performance of the unit (i.e., steam delivered to an industrial process).

* * * * *

Natural gas means:

(1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or

(2) liquefied petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835 (incorporated by reference, see § 60.17); or

(3) A mixture of hydrocarbons that maintains a gaseous state at ISO conditions. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 34 and 43 megajoules (MJ) per dry standard cubic

meter (910 and 1,150 Btu per dry standard cubic foot).

* * * * *

Potential sulfur dioxide emission rate means the theoretical SO_2 emissions (nanograms per joule (ng/J) or lb/MMBtu heat input) that would result from combusting fuel in an uncleaned state and without using emission control systems. For gasified coal or oil that is desulfurized prior to combustion, the *Potential sulfur dioxide emission rate* is the theoretical SO_2 emissions (ng/J or lb/MMBtu heat input) that would result from combusting fuel in a cleaned state without using any post combustion emission control systems.

* * * * *

Pulverized coal-fired steam generating unit means a steam generating unit in which pulverized coal is introduced into an air stream that carries the coal to the combustion chamber of the steam generating unit where it is fired in suspension. This includes both conventional pulverized coal-fired and micropulverized coal-fired steam generating units.

* * * * *

Steam generating unit means a device that combusts any fuel or byproduct/waste and produces steam or heats water or heats any heat transfer medium. This term includes any municipal-type solid waste incinerator with a heat recovery steam generating unit or any steam generating unit that combusts fuel and is part of a cogeneration system or a combined cycle system. This term does not include process heaters as they are defined in this subpart.

* * * * *

Very low sulfur oil means for units constructed, reconstructed, or modified on or before February 28, 2005, an oil that contains no more than 0.50 weight percent sulfur or that, when combusted without SO_2 emission control, has a SO_2 emission rate equal to or less than 215 ng/J (0.50 lb/MMBtu) heat input. For units constructed, reconstructed, or modified after February 28, 2005 and not located in a noncontinental area, *very low sulfur oil* means an oil that contains no more than 0.30 weight percent sulfur or that, when combusted without SO_2 emission control, has a SO_2 emission rate equal to or less than 140 ng/J (0.32 lb/MMBtu) heat input. For units constructed, reconstructed, or modified after February 28, 2005 and located in a noncontinental area, *very low sulfur oil* means an oil that contains no more than 0.50 weight percent sulfur or that, when combusted without SO_2 emission control, has a SO_2 emission rate equal to or less than 215 ng/J (0.50 lb/MMBtu) heat input.

* * * * *

13. Section 60.42b is amended to read as follows:

a. By revising paragraph (a);

b. By revising paragraph (b);

c. By revising paragraph (c);

d. By revising paragraph (d) introductory text; and

e. By revising paragraphs (k)(1), (2), and (3).

§ 60.42b Standard for sulfur dioxide (SO_2).

(a) Except as provided in paragraphs (b), (c), (d), or (j) of this section, on and after the date on which the performance test is completed or required to be completed under § 60.8, whichever comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification on or before February 28, 2005, that combusts coal or oil shall cause to be discharged into the atmosphere any gases that contain SO_2 in excess of 87 ng/J (0.20 lb/MMBtu) or 10 percent (0.10) of the potential SO_2 emission rate (90 percent reduction) and the emission limit determined according to the following formula:

$$E_s = \frac{(K_a * H_a + K_b * H_b)}{H_a + H_b}$$

Where:

E_s = SO_2 emission limit, in ng/J or lb/MMBtu heat input;

K_a = 520 ng/J (or 1.2 lb/MMBtu);

K_b = 340 ng/J (or 0.80 lb/MMBtu);

H_a = Heat input from the combustion of coal, in J (MMBtu); and

H_b = Heat input from the combustion of oil, in J (MMBtu).

For facilities complying with the percent reduction standard, only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this paragraph. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat derived from exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

(b) On and after the date on which the performance test is completed or required to be completed under § 60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification on or before February 28, 2005, that combusts coal refuse alone in a fluidized bed combustion steam generating unit shall cause to be discharged into the atmosphere any gases that contain SO_2 in excess of 87 ng/J (0.20 lb/MMBtu) or 20 percent (0.20) of the potential SO_2 emission rate (80 percent reduction) and 520 ng/J (1.2 lb/MMBtu) heat input. If coal or oil is fired with coal refuse, the affected facility is subject to paragraph (a) or (d) of this section, as applicable. For facilities complying with the percent reduction standard, only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this paragraph. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat derived from exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

(c) On and after the date on which the performance test is completed or is required to be completed under § 60.8, whichever comes first, no owner or operator of an affected facility that combusts coal or oil, either alone or in combination with any other fuel, and that uses an emerging technology for the control of SO_2 emissions, shall cause to be discharged into the atmosphere any gases that contain SO_2 in excess of 50 percent of the potential SO_2 emission rate (50 percent reduction) and that contain SO_2 in excess of the emission limit determined according to the following formula:

$$E_s = \frac{(K_c * H_c + K_d * H_d)}{H_c + H_d}$$

Where:

E_s = SO_2 emission limit, in ng/J or lb/MMBtu heat input;

K_c = 260 ng/J (or 0.60 lb/MMBtu);

K_d = 170 ng/J (or 0.40 lb/MMBtu);

H_c = Heat input from the combustion of coal, in J (MMBtu); and

H_d = Heat input from the combustion of oil, in J (MMBtu).

For facilities complying with the percent reduction standard, only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this paragraph. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels, or from the heat input derived from exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

(d) On and after the date on which the performance test is completed or required to be completed under § 60.8, whichever comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification on or before February 28, 2005, and listed in paragraphs (d)(1), (2), (3), or (4) of this section shall cause to be discharged into

the atmosphere any gases that contain SO_2 in excess of 520 ng/J (1.2 lb/MMBtu) heat input if the affected facility combusts coal, or 215 ng/J (0.5 lb/MMBtu) heat input if the affected facility combusts oil other than very low sulfur oil. Percent reduction requirements are not applicable to affected facilities under paragraphs (d)(1), (2), (3) or (4) of this section. For facilities complying with paragraphs (d)(1), (2), or (3) of this section, only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this paragraph. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat derived from exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

* * * * *

(k)(1) Except as provided in paragraphs (k)(2), (k)(3), and (k)(4) of this section, on and after the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, no owner or operator of an affected facility that commences construction, reconstruction, or modification after February 28, 2005, and that combusts coal, oil, natural gas, a mixture of these fuels, or a mixture of these fuels with any other fuels shall cause to be discharged into the atmosphere any gases that contain SO_2 in excess of 87 ng/J (0.20 lb/MMBtu) heat input or 8 percent (0.08) of the potential SO_2 emission rate (92 percent reduction) and 520 ng/J (1.2 lb/MMBtu) heat input. For facilities complying with the percent reduction standard and paragraph (k)(3), only the heat input supplied to the affected facility from the combustion of coal and oil is counted under paragraph (k) of this section. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat derived from exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

(2) Units firing only very low sulfur oil, gaseous fuel, a mixture of these fuels, or a mixture of these fuels with any other fuels with a potential SO_2 emission rate of 140 ng/J (0.32 lb/MMBtu) heat input or less are exempt from the SO_2 emissions limit in paragraph 60.42b(k)(1).

(3) Units that are located in a noncontinental area and that combust coal, oil, or natural gas shall not discharge any gases that contain SO_2 in excess of 520 ng/J (1.2 lb/MMBtu) heat input if the affected facility combusts coal, or 215 ng/J (0.50 lb/MMBtu) heat input if the affected facility combusts oil or natural gas.

* * * * *

14. Section 60.43b is amended to read as follows:

a. By revising paragraph (f);

b. By revising paragraphs (h)(1), (h)(5), and adding new paragraph (h)(6).

§ 60.43b Standard for particulate matter (PM).

* * * * *

(f) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, no owner or operator of an affected facility that can combust coal, oil, wood, or mixtures of these fuels with any other fuels shall cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

* * * * *

(h)(1) Except as provided in paragraphs (h)(2), (h)(3), (h)(4), (h)(5), and (h)(6) of this section, on and after the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification after February 28, 2005, and that combusts coal, oil, wood, a mixture of these fuels, or a mixture of these fuels with any other fuels shall cause to be discharged into the atmosphere from that affected facility any gases that contain PM in excess of 13 ng/J (0.030 lb/MMBtu) heat input.

* * * * *

(5) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, an owner or operator of an affected facility not located in a noncontinental area that commences construction, reconstruction, or modification after February 28, 2005, and that combusts only oil that contains no more than 0.30 weight percent sulfur, coke oven gas, a mixture of these fuels, or either fuel (or a mixture of these fuels) in combination with other fuels not subject to a PM standard under § 60.43b and not using a post-combustion technology (except a wet scrubber) to reduce SO_2 or PM emissions is not subject to the PM limits under § 60.43b(h)(1).

(6) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, an owner or operator of an affected facility located in a noncontinental area that commences construction, reconstruction, or modification after February 28, 2005, and that combusts only oil that contains no more than 0.50 weight percent sulfur, coke oven gas, a mixture of these fuels, or either fuel (or a mixture of these fuels) in combination with other fuels not subject to a PM standard under § 60.43b and not using a post-combustion technology (except a wet scrubber) to reduce SO_2 or PM emissions is not subject to the PM limits under § 60.43b(h)(1).

15. Section 60.44b is amended by revising paragraph (l)(1) to read as follows:

§ 60.44 Standard for nitrogen oxides (NO_X).

* * * * *

(l) * * *

(1) If the affected facility combusts coal, oil, natural gas, a mixture of these fuels, or a mixture of these fuels with any other fuels: A limit of 86 ng/J (0.20 lb/MMBtu) heat input unless the affected facility has an annual capacity factor for coal, oil, and natural gas of 10 percent (0.10) or less and is subject to a federally enforceable requirement that limits operation of the facility to an annual capacity factor of 10 percent (0.10) or less for coal, oil, and natural gas; or

* * * * *

16. Section 60.45b is amended to read as follows:

a. By revising paragraph (a);

b. By revising paragraph (d) introductory text;

c. By revising paragraph (j); and

d. By revising paragraph (k).

§ 60.45b Compliance and performance test methods and procedures for sulfur dioxide.

(a) The SO_2 emission standards under § 60.42b apply at all times. Facilities burning coke oven gas alone or in combination with any other gaseous fuels or distillate oil are allowed to exceed the limit 30 operating days per calendar year for SO_2 control system maintenance.

* * * * *

(d) Except as provided in paragraph (j) of this section, the owner or operator of an affected facility that combusts only very low sulfur oil, natural gas, or a mixture of these fuels, has an annual capacity factor for oil of 10 percent (0.10) or less, and is subject to a federally enforceable requirement limiting operation of the affected facility

to an annual capacity factor for oil of 10 percent (0.10) or less shall:

* * * * *

(j) The owner or operator of an affected facility that only combusts very low sulfur oil, natural gas, or a mixture of these fuels with any other fuels not subject to an SO_2 standard is not subject to the compliance and performance testing requirements of this section if the owner or operator obtains fuel receipts as described in § 60.49b(r).

(k) The owner or operator of an affected facility seeking to demonstrate compliance under §§ 60.42b(d)(4), 60.42b(j), 60.42b(k)(2), and 60.42b(k)(3) (when not burning coal) shall follow the applicable procedures under § 60.49b(r).

17. Section 60.46b is amended to read as follows:

a. By revising paragraphs (e)(2) and (e)(4);

b. By revising paragraph (i);

c. By revising paragraphs (j) introductory text and (j)(11) and adding new paragraph (j)(14) to read as follows:

§ 60.46b Compliance and performance test methods and procedures for particulate matter and nitrogen oxides.

* * * * *

(e) * * *

(2) Following the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, the owner or operator of an affected facility which combusts coal (except as specified under § 60.46b(e)(4)) or which combusts residual oil having a nitrogen content greater than 0.30 weight percent shall determine compliance with the NO_X emission standards under § 60.44b on a continuous basis through the use of a 30-day rolling average emission rate. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NO_X emission data for the preceding 30 steam generating unit operating days.

* * * * *

(4) Following the date on which the initial performance test is completed or required to be completed under § 60.8, whichever date comes first, the owner or operator of an affected facility that has a heat input capacity of 73 MW (250 MMBtu/hr) or less and that combusts natural gas, distillate oil, gasified coal, or residual oil having a nitrogen content of 0.30 weight percent or less shall upon request determine compliance with the NO_X standards under § 60.44b through the use of a 30-day performance test. During periods when performance tests are not requested, NO_X emissions data collected pursuant to § 60.48b(g)(1) or § 60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the NO_X emission standards. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NO_X emission data for the preceding 30 steam generating unit operating days.

* * * * *

(i) The owner or operator of an affected facility seeking to demonstrate compliance with the PM limit under paragraphs § 60.43b(a)(4) or § 60.43b(h)(5) shall follow the applicable procedures under § 60.49b(r).

(j) In place of PM testing with Method 5 or 5B of appendix A–3 of this part, or Method 17 of appendix A–6 of this part, an owner or operator may elect to install, calibrate, maintain, and operate a CEMS for monitoring PM emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who elects to continuously monitor PM emissions instead of conducting performance testing using Method 5 or 5B of appendix A–3 of this part or Method 17 of appendix A–6 of this part shall comply with the requirements specified in paragraphs (j)(1) through (j)(14) of this section.

* * * * *

(11) During the correlation testing runs of the CEMS required by Performance Specification 11 in appendix B of this part, PM and O_2 (or CO_2) data shall be collected concurrently (or within a 30-to 60-minute period) by both the continuous emission monitors and conducting performance tests using the following test methods.

(i) For PM, Method 5 or 5B of appendix A–3 of this part or Method 17 of appendix A–6 of this part shall be used; and

(ii) For condensable PM emissions, Method 202 of appendix M of part 51 shall be used; and

(iii) For visible emissions, Method 9 of Appendix A–4 shall be used; and

(iv) For O_2 (or CO_2), Method 3, 3A, or 3B of appendix A–2 of this part, as applicable shall be used.

* * * * *

(14) Within 90 days after the date of completing each performance evaluation required by paragraph (c)(11) of this section, the owner or operator of the affected facility must submit the test data to EPA by successfully entering the data electronically into EPA's WebFire data base available at *http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main*. If the owner or operator is unsuccessful in entering the test data into EPA's WebFire data base, then the owner or operator must submit monthly reports to EPA until the data is successfully submitted to WebFire. The monthly reports shall describe the difficulty preventing successful submittal of the data and what actions are being taken to correct the problem.

18. Section 60.47b is amended by revising paragraphs (a) introductory text and (e)(4)(i) to read as follows:

§ 60.47b Emission monitoring for sulfur dioxide.

(a) Except as provided in paragraphs (b) and (f) of this section, the owner or operator of an affected facility subject to the SO_2 standards under § 60.42b shall install, calibrate, maintain, and operate CEMS for measuring SO_2 concentrations and either O_2 or CO_2 concentrations and shall record the output of the systems. For units complying with the percent reduction standard, the SO_2 and either O_2 or CO_2 concentrations shall both be monitored at the inlet and outlet of the SO_2 control device. If the owner or operator has installed and certified SO_2 and O_2 or CO_2 CEMS according to the requirements of § 75.20(c)(1) of this chapter and appendix A to part 75 of this chapter, and is continuing to meet the ongoing quality assurance requirements of § 75.21 of this chapter and appendix B to part 75 of this chapter, those CEMS may be used to meet the requirements of this section, provided that:

* * * * *

(e) * * *

(4) * * *

(i) For all required CO_2 and O_2 monitors and for SO_2 and NO_X monitors with span values greater than or equal to 100 ppm, the daily calibration error test and calibration adjustment procedures described in sections 2.1.1 and 2.1.3 of appendix B to part 75 of this chapter may be followed instead of the CD assessment procedures in Procedure 1, section 4.1 of appendix F to this part. If this option is selected, the data validation and out-of-control provisions in sections 2.1.4 and 2.1.5 of appendix B to part 75 of this chapter shall be followed instead of the excessive CD and out-of-control criteria in Procedure 1, section 4.3 of appendix F to this part. For the purposes of data validation under this subpart, the excessive CD and out-of-control criteria in Procedure 1, section 4.3 of appendix F to this part shall apply to SO_2 and NO_X span values less than 100 ppm;

* * * * *

19. Section 60.48b is amended to read as follows:

a. By revising paragraph (a);

b. By revising paragraph (g) introductory text;

c. By revising paragraph (h) introductory text; and

d. By revising paragraph (k) introductory text.

§ 60.48b Emission monitoring for particulate matter and nitrogen oxides.

(a) Except as provided in paragraph (j) of this section, the owner or operator of an affected facility subject to the opacity standard under § 60.43b shall install, calibrate, maintain, and operate a COMS for measuring the opacity of emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility subject to an opacity standard under § 60.43b and meeting the conditions under paragraphs (j)(1), (2), (3), or (4) of this section who elects not to install a COMS shall comply with either paragraph (a)(1), (a)(2), or (a)(3) of this section.

(1) Conduct a performance test using Method 9 of Appendix A–4 of this part and the procedures in § 60.11 to demonstrate compliance with the applicable limit in § 60.43b. The Method 9 observations must be completed, at a minimum, every 12 months; or

(2) Conduct a series of three 1-hour observations (during normal operation) using Method 22 of Appendix A–7 of this part at the affected facility and demonstrate that the sum of the occurrences of any visible emissions is not in excess of 5 percent of the observation period (i.e., 9 minutes per 3-hour period). The Method 22 observations must be completed, at a minimum, every 12 months. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within 24 hours according to the requirements in § 60.46b(d)(7); or

(3) Monitor opacity using a digital opacity compliance system according to a site-specific monitoring plan approved by the Administrator. The observations should include at least one digital image every 15 seconds for three separate 1-hour periods (during normal operation) every 12 months. An approvable monitoring plan should include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period (i.e., 36 observations per 3-hour period). For reference purposes in preparing the monitoring plan, see OAQPS ''Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.'' This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Policy Group (D243–02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within 24 hours according to the requirements in § 60.46b(d)(7).

* * * * *

(g) The owner or operator of an affected facility that has a heat input capacity of 73 MW (250 MMBtu/hr) or less, and that has an annual capacity factor for residual oil having a nitrogen content of 0.30 weight percent or less, natural gas, distillate oil, gasified coal, or any mixture of these fuels, greater than 10 percent (0.10) shall:

* * * * *

(h) The owner or operator of a duct burner, as described in § 60.41b, that is subject to the NO_X standards of § 60.44b(a)(4), § 60.44b(e), or § 60.44b(l) is not required to install or operate a continuous emissions monitoring system to measure NO_X emissions.

* * * * *

(k) Owners or operators complying with the PM emission limit by using a PM CEMS must calibrate, maintain, operate, and record the output of the system for PM emissions discharged to the atmosphere as specified in § 60.46b(j). The CEMS specified in paragraph § 60.46b(j) shall be operated and data recorded during all periods of operation of the affected facility except for CEMS breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

20. Section 60.49b is amended to read as follows:

a. By revising paragraphs (c) introductory text and (c)(3);

b. By revising paragraphs (h) introductory text, (h)(1),(h)(2) introductory text and (h)(2)(i);

c. By revising paragraph (k)(2); and

d. By revising paragraph (r) introductory text and(r)(1).

§ 60.49b Reporting and recordkeeping requirements.

* * * * *

(c) The owner or operator of each affected facility subject to the NO_X standard of § 60.44b who seeks to demonstrate compliance with those standards through the monitoring of steam generating unit operating conditions under the provisions of § 60.48b(g)(2) shall submit to the Administrator for approval a plan that identifies the operating conditions to be monitored under § 60.48b(g)(2) and the records to be maintained under § 60.49b(h). This plan shall be submitted to the Administrator for approval within 360 days of the initial startup of the affected facility. An affected facility burning coke oven gas alone or in combination with other gaseous fuels or distillate oil shall submit this plan to the Administrator for approval within 360 days of the initial startup of the affected facility or by May 31, 2009, whichever date comes later. If the plan is approved, the owner or operator shall maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan. The plan shall:

* * * * *

(3) Identify how these operating conditions, including steam generating unit load, will be monitored under § 60.48b(g) on an hourly basis by the owner or operator during the period of operation of the affected facility; the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate; and the type and format of the records of these operating conditions, including steam generating unit load, that will be maintained by the owner or operator under § 60.49b(h).

* * * * *

(h) The owner or operator of any affected facility in any category listed in paragraphs (h)(1) or (2) of this section is required to submit excess emission reports for any excess emissions that occurred during the reporting period.

(1) Any affected facility subject to the opacity standards under § 60.43b(f) or to the operating parameter monitoring requirements under § 60.13(i)(1).

(2) Any affected facility that is subject to the NOX standard of § 60.44b, and that:

(i) Combusts natural gas, distillate oil, gasified coal, or residual oil with a nitrogen content of 0.3 weight percent or less; or

* * * * *

(k) * * *

(2) Each 30-day average SO2 emission rate (ng/J or lb/MMBtu heat input) measured during the reporting period, ending with the last 30-day period;

reasons for noncompliance with the emission standards; and a description of corrective actions taken; For an exceedance due to maintenance of the SO2 control system covered under paragraph 60.45b(a), the report shall identify the days on which the maintenance was performed and a description of the maintenance;

* * * * *

(r) The owner or operator of an affected facility who elects to use the fuel based compliance alternatives in § 60.42b or § 60.43b shall either:

(1) The owner or operator of an affected facility who elects to demonstrate that the affected facility combusts only very low sulfur oil and/or natural gas under § 60.42b(j) or § 60.42b(k) shall obtain and maintain at the affected facility fuel receipts from the fuel supplier that certify that the oil meets the definition of distillate oil and gaseous fuel meets the definition of natural gas as defined in § 60.41b and the applicable sulfur limit. For the purposes of this section, the distillate oil need not meet the fuel nitrogen content specification in the definition of distillate oil. Reports shall be submitted to the Administrator certifying that only very low sulfur oil meeting this definition and/or natural gas was combusted in the affected facility during the reporting period; or

* * * * *

Subpart Dc—[Amended]

21. Section 60.41c is amended by revising the definitions of ''Coal,'' ''Distillate oil,'' ''Natural gas,'' and ''Steam generating unit'' to read as follows:

§ 60.41c Definitions.

* * * * *

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see § 60.17), coal refuse, and petroleum coke. Coal-derived synthetic fuels derived from coal for the purposes of creating useful heat, including but not limited to solvent refined coal, gasified coal not meeting the definition of natural gas, coal-oil mixtures, and coal-water mixtures, are also included in this definition for the purposes of this subpart.

* * * * *

Distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396 (incorporated by reference, see § 60.17) or diesel fuel oil as defined by the American Society for Testing and Materials in ASTM D975 (incorporated by reference, see § 60.17).

* * * * *

Natural gas means:

(1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or

(2) liquefied petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835 (incorporated by reference, see § 60.17); or

(3) A mixture of hydrocarbons that maintains a gaseous state at ISO conditions. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 34 and 43 megajoules (MJ) per dry standard cubic meter (910 and 1,150 Btu per dry standard cubic foot).

* * * * *

Steam generating unit means a device that combusts any fuel and produces steam or heats water or heats any heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system. This term does not include process heaters as defined in this subpart.

* * * * *

22. Section 60.42c is amended by revising paragraphs (e)(2) and (j) to read as follows:

§ 60.42c Standard for sulfur dioxide (SO_2).

* * * * *

(e) * * *

(2) The emission limit determined according to the following formula for any affected facility that combusts coal, oil, or coal and oil with any other fuel:

$$E_s = \frac{(K_a * H_a + K_b * H_b + K_c * H_c)}{(H_a + H_b + H_c)}$$

Where:

E_s= SO_2 emission limit, expressed in ng/J or lb/MMBtu heat input;

K_a = 520 ng/J (1.2 lb/MMBtu);

K_b = 260 ng/J (0.60 lb/MMBtu);

K_c = 215 ng/J (0.50 lb/MMBtu);

H_a = Heat input from the combustion of coal, except coal combusted in an affected facility subject to paragraph (b)(2) of this section, in Joules (J) [MMBtu];

H_b = Heat input from the combustion of coal in an affected facility subject to paragraph (b)(2) of this section, in J (MMBtu); and

H_c = Heat input from the combustion of oil, in J (MMBtu).

* * * * *

(j) For affected facilities located in noncontinental areas and affected facilities complying with the percent reduction standard, only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this section. No credit is provided for the heat input to the affected facility from wood or other fuels or for heat derived from exhaust gases from other sources, such as stationary gas turbines, internal combustion engines, and kilns.

23. Section 60.43c is amended by revising paragraph (c) to read as follows:

§ 60.43c Standard for particulate matter (PM).

* * * * *

(c) On and after the date on which the initial performance test is completed or required to be completed under § 60.8, whichever date comes first, no owner or operator of an affected facility that can combust coal, wood, or oil and has a heat input capacity of 8.7 MW (30 MMBtu/hr) or greater shall cause to be discharged into the atmosphere from that affected facility any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

* * * * *

24. Section 60.44c is amended by revising paragraph (h) to read as follows:

§ 60.44c Compliance and performance test methods and procedures for sulfur dioxide.

* * * * *

(h) For affected facilities subject to § 60.42c(h)(1), (2), or (3) where the owner or operator seeks to demonstrate compliance with the SO_2 standards based on fuel supplier certification, the performance test shall consist of the certification from the fuel supplier, as described under § 60.48c(f), as applicable.

* * * * *

25. Section 60.45c is amended to read as follows:

a. By revising paragraph (a)(8);

b. By revising paragraphs (c) introductory text, (c)(7), (c)(8), (c)(9), (c)(11), and adding new paragraph (c)(14) to read as follows:

§ 60.45c Compliance and performance test methods and procedures for particulate matter.

(a) * * *

(8) Method 9 of appendix A–4 of this part shall be used for determining the opacity of stack emissions.

* * * * *

(c) In place of PM testing with Method 5 or 5B of appendix A–3 of this part or Method 17 of appendix A–6 of this part, an owner or operator may elect to install, calibrate, maintain, and operate a CEMS for monitoring PM emissions

discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who elects to continuously monitor PM emissions instead of conducting performance testing using Method 5 or 5B of appendix A–3 of this part or Method 17 of appendix A–6 of this part shall install, calibrate, maintain, and operate a CEMS and shall comply with the requirements specified in paragraphs (c)(1) through (c)(14) of this section.

* * * * *

(7) At a minimum, valid CEMS hourly averages shall be obtained as specified in paragraph (c)(7)(i) of this section for 75 percent of the total operating hours per 30-day rolling average.

(i) At least two data points per hour shall be used to calculate each 1-hour arithmetic average.

(ii) [Reserved]

(8) The 1-hour arithmetic averages required under paragraph (c)(7) of this section shall be expressed in ng/J or lb/MMBtu heat input and shall be used to calculate the boiler operating day daily arithmetic average emission concentrations. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2) of subpart A of this part.

(9) All valid CEMS data shall be used in calculating average emission concentrations even if the minimum CEMS data requirements of paragraph (c)(7) of this section are not met.

* * * * *

(11) During the correlation testing runs of the CEMS required by Performance Specification 11 in appendix B of this part, PM and O_2 (or CO_2) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and conducting performance tests using the following test methods.

(i) For PM, Method 5 or 5B of appendix A–3 of this part or Method 17 of appendix A–6 of this part shall be used; and

(ii) For condensable PM emissions, Method 202 of appendix M of part 51 shall be used; and

(iii) For visible emissions, Method 9 of Appendix A–4 shall be used; and

(iv) For O_2 (or CO_2), test Method 3, 3A, or 3B of appendix A–2 of this part, as applicable shall be used.

* * * * *

(14) Within 90 days after the date of completing each performance evaluation required by paragraph (c)(11) of this section, the owner or operator of the affected facility must submit the test data to EPA by successfully entering the data electronically into EPA's WebFire data base available at *http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main*. If the owner or operator is unsuccessful in entering the test data into EPA's WebFire data base, then the owner or operator must submit monthly reports to EPA until the data is successfully submitted to WebFire. The monthly reports shall describe the difficulty preventing successful submittal of the data and what actions are being taken to correct the problem.

* * * * *

26. Section 60.47c is amended to read as follows:

a. By revising paragraph (a);

b. By revising paragraph (c) introductory text;

c. By revising paragraph (d) introductory text;

d. By revising paragraph (e) introductory text; and

e. By revising paragraph (f) introductory text.

§ 60.47c Emission monitoring for particulate matter.

(a) Except as provided in paragraphs (c), (d), (e), and (f) of this section, the owner or operator of an affected facility combusting coal, oil, or wood that is subject to the opacity standards under § 60.43c shall install, calibrate, maintain, and operate a COMS for measuring the opacity of the emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility subject to an opacity standard under § 60.43c(c) and that is not required to install a COMS to measure opacity due to paragraphs (c), (d), or (e) of this section that elects not to install a COMS shall comply with either paragraphs (a)(1), (a)(2), or (a)(3) of this section.

(1) Conduct a performance test using Method 9 of Appendix A–4 of this part and the procedures in § 60.11 to demonstrate compliance with the applicable limit in § 60.43c. The Method 9 observations must be completed, at a minimum, every 12 months; or

(2) Conduct a series of three 1-hour observations (during normal operation) using Method 22 of Appendix A–7 of this part at the affected facility and demonstrate that the sum of the occurrences of any visible emissions is not in excess of 5 percent of the observation period (i.e., 9 minutes per 3-hour period). The Method 22 observations must be completed, at a minimum, every 12 months. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within 24 hours according to the requirements in § 60.45c(a)(8); or

(3) Monitor opacity using a digital opacity compliance system according to a site-specific monitoring plan approved by the Administrator. The observations should include at least one digital image every 15 seconds for three separate 1-hour periods (during normal operation) every 12 months. An approvable monitoring plan should include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period (i.e., 36 observations per 3-hour period). For reference purposes in preparing the monitoring plan, see OAQPS ''Determination of Visible Emission Opacity From Stationary Sources Using Computer-Based Photographic Analysis Systems.'' This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Policy Group (D243–02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. If the sum of the occurrences of any visible emissions is in excess of 5 percent of the observation period, then the owner or operator shall conduct a new performance test within 24 hours according to the requirements in § 60.450c(a)(8).

* * * * *

(c) Affected facilities that burn only distillate oil that contains no more than 0.5 weight percent sulfur and/or liquid or gaseous fuels with potential sulfur dioxide emission rates of 26 ng/J (0.06 lb/MMBtu) heat input or less and that do not use a post-combustion technology to reduce SO_2 or PM emissions and that are subject to an opacity standard under § 60.43c(c) are not required to operate a CEMS for measuring opacity if they follow the applicable procedures under § 60.48c(f).

(d) Owners or operators complying with the PM emission limit by using a PM CEMS must calibrate, maintain, operate, and record the output of the system for PM emissions discharged to the atmosphere as specified in § 60.45c(c). The CEMS specified in paragraph § 60.45c(c) shall be operated and data recorded during all periods of operation of the affected facility except for CEMS breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

(e) An affected facility that is subject to an opacity standard under § 60.43c(c)

and that does not use post-combustion technology (except a wet scrubber) for reducing PM, SO_2, or carbon monoxide (CO) emissions, burns only gaseous fuels or fuel oils that contain less than or equal to 0.50 weight percent sulfur, and is operated such that emissions of CO to the atmosphere from the affected facility are maintained at levels less than or equal to 0.15 lb/MMBtu on a boiler operating day average basis is not required to operate a COMS for measuring opacity. Owners and operators of affected facilities electing to comply with this paragraph must demonstrate compliance according to the procedures specified in paragraphs (e)(1) through (4) of this section.

* * * * *

(f) An affected facility that is subject to an opacity standard under § 60.43c(c) and that burns only gaseous fuels or fuel oils that contain less than or equal to 0.50 weight percent sulfur and operates according to a written site-specific monitoring plan approved by the permitting authority is not required to operate a COMS for measuring opacity. This monitoring plan must include procedures and criteria for establishing and monitoring specific parameters for the affected facility indicative of compliance with the opacity standard.

27. Section 60.48c is amended by revising paragraph (e)(11) to read as follows:

§ 60.48c Reporting and Recordkeeping requirements.

* * * * *

(e) * * *

(11) If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), (3), or (4) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

* * * * *

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JUNE 12, 2008

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Federal Acquisition Regulation;
- FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma; published 6-12-08

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation;
- FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma; published 6-12-08

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation;
- FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma; published 6-12-08

SECURITIES AND EXCHANGE COMMISSION

Adoption of Updated EDGAR Filer Manual; published 6-12-08

TRANSPORTATION DEPARTMENT

Office of the Secretary Technical Corrections; published 6-12-08

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Federal Aviation Administration

Airworthiness Directives:
- Air Tractor, Inc. AT 400, AT 500, AT 600, and AT 800 Series Airplanes; published 5-8-08
- Boeing Model 737-600, et al. Series Airplanes; published 5-8-08
- Boeing Model 737 100, et al. Series Airplanes; published 5-8-08
- Boeing Model 747-200F, et al. Series Airplanes; published 5-8-08
- Boeing Model 747 100, 747 100B, 747 100B SUD, 747 200B, 747 200C, 747 200F, 747 300, 747SR, and 747SP Series Airplanes; published 5-8-08
- Boeing Model 747 400, 400D, and 400F Series Airplanes; published 5-8-08
- Boeing Model 757 Airplanes; published 5-8-08
- Dassault Model Mystere Falcon 50 Airplanes; published 5-8-08
- Sikorsky Aircraft Corp. Model S-61A, S-61D, S 61E, and S-61V Helicopters; published 5-8-08

Establishment of Class E Airspace:
- Lady Lake, FL; published 6-12-08
- Lewisburg, PA; published 6-12-08
- Marienville, PA; published 6-12-08

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- Brunswick, ME; published 6-12-08

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Partner's Distributive Share; Correction; published 6-12-08

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Industry and Security Bureau

Conforming Changes to Certain End-User/End-Use Based Controls in the EAR; Clarification of the Term Transfer and Related Terms as Used in the EAR; comments due by 6-17-08; published 4-18-08 [FR E8-08197]

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Atlantic Highly Migratory Species; Atlantic Tuna Fisheries; Gear Authorization and Turtle Control Devices; comments due by 6-16-08; published 5-6-08 [FR E8-09888]

Codeless and Semi-Codeless Access to the Global Positioning System; comments due by 6-16-08; published 5-16-08 [FR E8-11148]

Fisheries Off West Coast States; Coastal Pelagic Species Fishery:
- Amendment 12 to the Coastal Pelagic Species Fishery Management Plan; comments due by 6-19-08; published 5-20-08 [FR E8-11253]

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Nontraditional Defense Contractor; comments due by 6-20-08; published 4-21-08 [FR E8-08484]

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Approval and Promulgation of Air Quality Implementation Plans:
- Texas; comments due by 6-16-08; published 5-15-08 [FR E8-10924]

Environmental Statements; Notice of Intent:
- Coastal Nonpoint Pollution Control Programs; States and Territories—
  - Florida and South Carolina; Open for comments until further notice; published 2-11-08 [FR 08-00596]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion; comments due by 6-18-08; published 5-19-08 [FR E8-11004]

Pesticide Inert Ingredient:
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Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; comments due by 6-20-08; published 5-21-08 [FR E8-11247]

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- Inpatient Rehabilitation Facility Prospective Payment System (2009 FY); comments due by 6-20-08; published 4-25-08 [FR 08-01174]

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- Escorted Vessels in Captain of the Port Zone Jacksonville, FL; comments due by 6-18-08; published 5-19-08 [FR E8-11141]

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East Bay Municipal Utility District Habitat Conservation Plan, East Bay Watershed Lands, Alameda and Contra Costa Counties, CA; comments due by 6-16-08; published 5-16-08 [FR E8-10994]

Endangered and Threatened Wildlife and Plants:
- Designation of Critical Habitat for the Wintering Population of the Piping Plover in North Carolina; Revised; comments due by 6-16-08; published 5-15-08 [FR E8-10887]
- Proposed Revised Designation of Critical Habitat for the Northern Spotted Owl; comments due by 6-20-08; published 5-21-08 [FR E8-11321]

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Airbus Model A318, A319, A320, and A321 Airplanes; comments due by 6-19-08; published 5-20-08 [FR E8-11284]

Boeing Model 747-100, 747-100B, 747-100B SUD, et al. Series Airplanes; comments due by 6-16-08; published 5-22-08 [FR E8-11474]

Boeing Model 767 Airplanes; comments due by 6-17-08; published 5-23-08 [FR E8-11591]

Bombardier Model CL 600 2C10 (Regional Jet Series 700 & 701) Series Airplanes and Model CL 600 2D24 (Regional Jet Series 900) Series Airplanes; comments due by 6-18-08; published 5-19-08 [FR E8-11112]

Dassault Model Falcon 2000EX Airplanes; comments due by 6-19-08; published 5-20-08 [FR E8-11282]

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McDonnell Douglas Model DC-8-61, DC-8-61F, DC 8 63, DC-8-63F, DC-8-71F, and DC-8-73F Airplanes; comments due by 6-20-08; published 5-6-08 [FR E8-09883]

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Withdrawal of Regulations under Old Section; comments due by 6-16-08; published 4-17-08 [FR E8-08082]

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Definition of Service in the Republic of Vietnam; comments due by 6-16-08; published 4-16-08 [FR E8-08091]

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*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 1195/P.L. 110–244

SAFETEA-LU Technical Corrections Act of 2008 (June 6, 2008; 122 Stat. 1572)

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