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**WHEN:** Tuesday, July 8, 2008  
9:00 a.m.–Noon

**WHERE:** Office of the Federal Register  
Conference Room, Suite 700  
800 North Capitol Street, NW.  
Washington, DC 20002

**RESERVATIONS:** (202) 741-6008



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# Rules and Regulations

Federal Register

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

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

## GOVERNMENT ACCOUNTABILITY OFFICE

### 4 CFR Part 22

#### Rules of Procedure of the Government Accountability Office Contract Appeals Board

**AGENCY:** Government Accountability Office.

**ACTION:** Interim rule.

**SUMMARY:** This document contains the rules of procedures of the Government Accountability Office (GAO) Contract Appeals Board (Board), which will govern all proceedings before the Board. The Board was established pursuant to sec. 1501 of title I of division H of the Consolidated Appropriations Act of 2008 to hear appeals from decisions of contracting officers with respect to any contract entered into by a legislative branch agency. The following rules of procedure are promulgated pursuant to sec. 1501(d) of that act and are applicable to all appeals filed with the Board on or after October 1, 2007. The Board invites comments on this interim rule and intends to publish a final rule after considering all comments received on or before the closing date for comments.

**DATES:** Comments must be submitted on or before August 25, 2008.

**ADDRESSES:** Comments may be submitted by e-mail at [cab@gao.gov](mailto:cab@gao.gov) or by facsimile at 202-512-9749. Due to delivery delays, submission by regular mail is discouraged. Comments may be sent by Federal Express (FedEx) or United Parcel Service (UPS) addressed to: James A. Spangenberg, Chairman, Government Accountability Office Contract Appeals Board, 441 G Street, NW., Room 7182, Washington, DC 20548.

**FOR FURTHER INFORMATION CONTACT:** James A. Spangenberg (Chairman),

David Ashen (Vice Chairman), or Sharon L. Larkin (Member), 202-512-3342, [cab@gao.gov](mailto:cab@gao.gov). Hearing or speech impaired individuals may contact the Board via TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Armed Services Board of Contract Appeals and the Civilian Board of Contract Appeals has been established to resolve appeals of contracting officers' decisions involving contracts with executive branch agencies, pursuant to the Contracts Disputes Act of 1978 (CDA), Public Law 95-563, 41 U.S.C. 601 *et seq.* However, no such permanent board has existed to resolve similar appeals involving contracts with legislative branch agencies. Previously, the GAO provided qualified attorneys to staff various contract appeals boards that were created on an ad hoc basis to consider appeals involving contracts of the Architect of the Capitol. These ad hoc boards were created under either direct appointment by congressional committees or by agreement with the Architect of the Capitol under the Economy Act, 31 U.S.C. 1535. In addition, an ad hoc contract appeals board staffed by qualified GAO attorneys was established in 2006 to consider appeals concerning contracts of the Government Printing Office pursuant to a memorandum of understanding between these agencies under the Economy Act. As a result of the Consolidated Appropriations Act of 2008, further described below, the GAO will no longer decide contract appeals through the various ad hoc boards, but will hear and resolve all newly filed appeals involving contracts with legislative branch agencies through a permanent Board that was established pursuant to the Act. Appeals that are filed on or after October 1, 2007, will be decided by the newly established Board. Appeals that were filed before October 1, 2007, and which are pending before various ad hoc boards, are not affected by this interim rule; the rules of procedure issued by those boards will remain in effect for those appeals.

##### Statutory Authority

Section 1501 of title I of division H of the Consolidated Appropriations Act of 2008, Public Law 110-161, 121 Stat.

1844, 2249-50 (Dec. 26, 2007) (to be codified at 31 U.S.C. 720 note (2008)), established a permanent Board within the GAO to consider appeals involving contracts with legislative branch agencies. Legislative branch agencies are defined to include the Architect of the Capitol; United States Botanic Gardens; GAO; Government Printing Office; Library of Congress; Congressional Budget Office; United States Capitol Police; and any other agency, board, or commissions established in the legislative branch of Government. Six members of the Board, including a Chairman and Vice Chairman, have been competitively appointed, all of whom are GAO attorneys with at least 5 years of public contract experience. The Board shall operate as an independent function within GAO's Office of General Counsel.

With certain identified exceptions, sec. 1501 of title I of division H of the Consolidated Appropriation Act of 2008 applies the CDA to appeals filed with the Board. One notable exception to the CDA, contained within sec. 1501(d), is that contractors do not have a right to directly appeal a decision of a contracting officer to the Court of Federal Claims as is authorized under the CDA. Another exception under sec. 1501(d) is that contractors are required to certify claims exceeding \$50,000, instead of the \$100,000 required by the CDA, as a prerequisite to filing an appeal of a contracting officer's decision.

The rules of procedure for the newly established Board are promulgated pursuant to sec. 1501(d) of title I of division H of the Consolidated Appropriations Act of 2008, which requires the Comptroller General to prescribe regulations for procedures for appeals to the Board that are consistent with procedures under the CDA. This authority has been delegated to the Chairman of the Board. These rules of procedure are based on rules previously issued by the GAO to govern procedures of the various ad hoc boards, as well as those promulgated by the Armed Services Board of Contract Appeals and the Civilian Board of Contract Appeals, with adaptations to achieve greater efficiency in case management and resolution.

## Comments Invited

The GAO is not subject to the Administrative Procedures Act and, accordingly, the Board is not required by law to seek comments before issuing a final rule. However, the Board has decided to invite interested persons to participate in this rulemaking by submitting written comments regarding the proposed revisions. Application of the Administrative Procedures Act to the GAO or the Board is not to be inferred from this invitation for comments.

The Board will consider all comments received on or before the closing date for comments. The Board may revise the interim rule based on comments received.

## List of Subjects in 4 CFR Part 22

Administrative practice and procedure, Contract Appeals Board, Government contracts.

■ For the reasons set out in this preamble, in title 4, chapter I, subchapter B of the Code of Federal Regulations, part 22 is added to read as follows:

## PART 22—RULES OF PROCEDURE OF THE GOVERNMENT ACCOUNTABILITY OFFICE CONTRACT APPEALS BOARD

Sec.

- 22.1 Applicability of Rules [Rule 1].
- 22.2 Board Consideration [Rule 2].
- 22.3 Appeal—How Taken [Rule 3].
- 22.4 Appeal File [Rule 4].
- 22.5 Pleadings [Rule 5].
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- 22.25 Protective Orders and In Camera Review [Rule 25].
- 22.26 Representation of the Parties [Rule 26].
- 22.27 Ex Parte Communications [Rule 27].

22.28 Time [Rule 28].

22.29 Inspection of the Record [Rule 29].

**Authority:** Sec. 1501, Public Law 110–161, 121 Stat. 2249.

### § 22.1 Applicability of Rules [Rule 1].

The Government Accountability Office Contract Appeals Board is authorized to hear appeals from decisions of contracting officers with respect to any contract entered into by a legislative branch agency. These rules shall apply to all appeals filed with the Board on or after October 1, 2007.

### § 22.2 Board Consideration [Rule 2].

(a) *Offices.* The office of the Board shall be at the Government Accountability Office, 441 G Street, NW., Washington, DC 20548, or in such other place as may from time to time hereafter be assigned for its use. All files and records of the Board shall be kept at such office. All communications, pleadings, and/or documents addressed to the Board shall be addressed or delivered to the Board at the Government Accountability Office, 441 G Street, NW., Room 7182, Washington, DC 20548; Telephone: 202–512–3342; Facsimile: 202–512–9749; E-mail: [cab@gao.gov](mailto:cab@gao.gov).

(b) *Three Member Panel.* Generally, all appeals will be assigned to a panel of three members of the Board appointed by the Chairman of the Board; said panel may or may not include the Chairman of the Board as a member. Each panel will include a presiding member who is responsible for case management, including scheduling, and who may, without participation of the other panel members, rule on non-dispositive motions and resolve procedural disputes. Hearings on appeals may be held by one or more of the panel members of the Board. Appeals resolved under the Board's small claims or accelerated procedures (see § 22.22 of this part [Rule 22]) may be decided by a single member of the Board. Requests for consideration of a matter by all members of the Contract Appeals Board will not be granted in any appeal filed under these rules.

(c) *Absence or Disability of Chairman.* The activities of the Board shall be performed under the supervision of the Chairman of the Board. In the absence of, or during the disability of, the Chairman, the Vice Chairman of the Board shall act as the Chairman.

### § 22.3 Appeals—How Taken [Rule 3].

(a) *Form.* An appeal by the contractor shall be filed with the Board in the form of a written notice of appeal. The notice shall identify the contract by number,

the name of the government agency and/or department against which the claim is asserted, the contracting officer for the subject dispute, the decision from which the appeal is taken, an estimate of the amount of money in controversy, if any, and shall be signed personally by the appellant (the contractor making the appeal) or by his representative or attorney. The complaint referred to in § 22.5(a) of this part [Rule 5(a)] may be filed with the notice of appeal or the appellant may designate the notice of appeal as a complaint if it otherwise fulfills the requirements of a complaint. The appellant shall promptly provide a copy of the appeal and complaint to the contracting officer.

(b) *Timeliness.* (1) For claims where a contracting officer has issued a final decision, the contractor may file an appeal no later than 90 days after it receives the contracting officer's final decision.

(2) For certified claims submitted to the contracting officer in excess of \$50,000 where the contracting officer has not issued a final decision within a reasonable time, taking into account such factors as the size and complexity of the claim, the contractor may file a notice of appeal citing the failure of the contracting officer to issue a decision.

(3) For claims submitted to the contracting officer in the amount of \$50,000 or less where the contracting officer has not issued a final decision within 60 days of the contractor's request that a final decision be issued within that time, the contractor may file a notice of appeal citing the failure of the contracting officer to issue a decision.

(4) In lieu of a notice of appeal filed under paragraphs (b)(2) or (b)(3) of this section [Rules 3(b)(2) or 3(b)(3)], the contractor may request that the Board direct a contracting officer to issue a decision within a specified period of time, as determined by the Board, in the event of undue delay by the contracting officer in issuing a decision.

(5) An appeal filed with the Board will be deemed "filed" on the date actually received by the Board if received by 5:30 p.m. Eastern Standard Time (EST), or on the next business day if received after 5:30 p.m. EST.

(c) *Service of the Appeal; Copies.* An original plus 3 copies of the appeal shall be filed with the Board by hand delivery, express or priority mail, approved commercial carrier (e.g., UPS or FedEx), facsimile, or e-mail, although e-mail is the preferred method of delivery in all Board matters. The use of first class or parcel post mail is strongly discouraged because the delivery delays and screening process for government

mail could result in untimely filed appeals. If filed by e-mail or facsimile, the appellant shall provide the original plus 3 copies to the Board by hand delivery or commercial carrier within 2 business days of the e-mailed or facsimile transmitted filing. The appellant shall furnish a copy of the appeal to the contracting officer from whose decision, or failure to issue the decision, the appeal is taken using the same method or service as for the Board, or an equal or more expeditious method of service. For service of documents once an appeal has commenced, see § 22.7(b) of this part [Rule 7(b)].

(d) *Docketing*. When the Board receives a notice of appeal from the appellant, the Board will promptly docket the appeal and provide written notice of docketing to all parties, or their counsel, with a copy of these rules.

(e) *Consolidation*. The Board, in its discretion, may consolidate cases involving common issues of law or fact.

#### § 22.4 Appeal File [Rule 4].

(a) *Duties of the Contracting Officer*. (1) Within 30 days after receipt of the complaint, or within such other period of time as may be established by the Board, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal, including:

(i) The decision from which the appeal is taken;

(ii) The contract, including relevant specifications, amendments, plans, and drawings;

(iii) All correspondence between the parties relevant to the appeal, including the letter or letters of claim in response to which the decision was issued;

(iv) All documents and other tangible things on which the contracting officer relied in making the decision, and any correspondence relating thereto;

(v) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(vi) Any additional information or evidence considered relevant to the appeal.

(2) Within the same time specified above, the contracting officer shall furnish the appellant a copy of each document he or she transmits to the Board, except those in paragraph (a)(1)(ii) of this section [Rule 4(a)(1)(ii)]. As to the latter, a list furnished to the appellant indicating specific contractual documents transmitted will suffice. Documents filed under this rule, and any supplements, shall be organized

and filed in accordance with paragraph (d) of this section [Rule 4(d)].

(b) *Duties of the Appellant*. Within 30 days after receipt of a copy of the appeal file provided pursuant to paragraph (a) of this section [Rule 4(a)], or within such other period of time as may be established by the Board, the appellant shall transmit to the Board for inclusion in the appeal file any documents not contained therein which the appellant considers to be relevant to the appeal. Within the same period of time, the appellant shall furnish a copy of such documents to the contracting officer or counsel for the government. Documents filed under this rule shall be organized and filed in accordance with paragraph (d) of this section [Rule 4(d)].

(c) *Continuing Duty to Supplement the Record*. All parties have a continuing duty to supplement the record with relevant documents and tangible things, and the appeal file may be supplemented by any party at any time before the closing of the record. In cases where a hearing is requested, these supplements shall be provided well in advance of the pre-hearing conference so that objections to admissibility may be heard and resolved, to the maximum extent possible, in advance of the hearing. All supplements to the appeal file shall be organized and filed in accordance with paragraph (d) of this section [Rule 4(d)].

(d) *Organization of Appeal File*. Only relevant documents and tangible things should be provided as part of the appeal file. Appeal file documents may be originals or true, legible, and complete copies or facsimiles. The appeal file shall be arranged in chronological order with the earliest documents first; bound in a 3-ring binder (or binders) or similar loose-leaf binder(s) no larger than 4 inches in width, except where size or shape makes such binding impracticable; numbered; tabbed; and indexed. Numbering of pages shall be consecutive and continuous from one page to the next (*i.e.*, "Bates" numbered), so that the complete file, including any supplements, will consist of one set of consecutively numbered pages. Preceding each Bates number shall be a designation "A" for appellant or "R" for respondent, indicating which party provided the document. Multiple binders shall be consecutively numbered and include references on the outside cover and binding that state the range of tab numbers and Bates numbers contained therein. Within each binder, tabs shall separate each document; multiple documents shall not be placed behind a single tab, unless each document is separated by a divider. The appeal file shall include an index

identifying each document included in the appeal file by date, brief description of the document, and the tab and Bates numbers where the document can be located in the appeal file. The Board may, in its discretion or upon request of a party, order an alternative organization of the appeal file. If an alternative organization of the appeal file is permitted, such as by document type or topic, documents within that grouping must be presented in chronological order to the extent possible. The Board may impose special requirements on the production of electronic documents and, if any portion of the § 22.4 [Rule 4] file or supplement contains electronic documents, the party submitting such documents shall contact the Board before submission for guidance.

(e) *Submissions on Order of the Board*. The Board may, at any time during the pendency of the appeal, require any party to file documents or tangible things as additional exhibits. The Board may also require a party to file printed versions of electronic records or, conversely, may require electronic versions of printed documents.

(f) *Status of Documents in the Record*. Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision. However, a party may object to consideration of a particular document or documents by filing a written objection. Such objections shall be raised by motion pursuant to § 22.6 of this part [Rule 6] and shall be filed as early as necessary to allow the Board, to the maximum extent possible, to resolve the objection in advance of a scheduled hearing, or before the record is closed if no hearing is held.

#### § 22.5 Pleadings [Rule 5].

(a) *Complaint*. Within 15 days after receipt of the docketing notice from the Board, or within such other period of time as may be established by the Board, the appellant will file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise, and direct statements of each of its claims showing that it is entitled to relief; identifying the contract provision or provisions under which relief is claimed; and stating the amount in controversy or an estimate thereof, if known, and/or the relief requested. The complaint shall be limited to those requests for relief which have been presented to the contracting officer and were either denied or not ruled upon by the contracting officer in accordance with § 22.3 of this part [Rule 3]. No

technical form is required, but each claim should be separately identified. In the event that the complaint is not filed within the time stated above, the appeal may be dismissed by the Board for lack of prosecution.

(b) *Answer.* Within 30 days after receipt of the complaint, or within such other period of time as may be established by the Board, the contracting officer or counsel for the government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the government's defenses to each claim asserted by the appellant. Each defense shall be stated with as much particularity as is practicable. Defenses which go to the Board's jurisdiction may be included in the answer, or may be raised by motion pursuant to the provisions of § 22.6 of this part [Rule 6]. Motions in lieu of an answer may be filed only with the advance permission of the Board.

(c) *Small Claims and Accelerated Procedures.* When an appellant elects to use the small claims or accelerated procedures described in § 22.22 of this part [Rule 22], the Board may shorten the time for filing the complaint and answer.

(d) *Amendment of Pleadings.* At any time before a hearing on the merits, or before the closing of the record when a hearing is not held, the Board in its discretion may permit a party to amend its complaint or answer concerning matters that are within the proper scope of the appeal, upon conditions that are just to both parties. The Board, upon its own initiative or upon application by a party, may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal, but not raised by the complaint and answer, are determined by express or implied consent of the parties as having been raised, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the complaint and answer as may be necessary to cause them to conform to the evidence may be made upon motion at any time, but failure to so amend does not affect the result of the hearing of these issues. If evidence is objected to at the hearing on the ground that it is not within the issues raised by the complaint and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that the

admission of such evidence would prejudice it in maintaining its appeal or defense on the merits. The Board may, however, grant a continuance to enable the objecting party to respond to such evidence.

#### **§ 22.6 Motions, Briefs, and Other Statements [Rule 6].**

(a) *Motions, Generally.* Motions shall be made in writing, indicate the relief sought and include the grounds therefor, and be filed with the Board as soon as practicable after the grounds therefor are known and as early as necessary to allow the Board to rule on the motion in advance of a scheduled hearing. Except for motions submitted under paragraph (d) of this section [Rule 6(d)], any party may respond to a motion by submitting a written response to the motion within 10 days of receipt of the motion, and the moving party may reply to the response within 5 days of receipt of the response, except that the Board, in its discretion, may shorten or lengthen the time for the response and reply based on the nature of the motion, the nature and timing of the case, and the scheduling needs of the Board. The Board may request additional submissions from the parties and may decide motions on the written submissions without oral argument. The Board shall decide all motions before the hearing on the merits unless the Board determines that a ruling be deferred pending a hearing on both the merits and the motion. Jurisdictional and procedural defenses may be raised at any time by motion, but should be raised as soon as the grounds therefor are known; and the Board, at any time and on its own initiative, may raise an issue of jurisdiction and may decline to proceed with an appeal in which it lacks authority to decide the issues. All motions, responses, replies, and additional submissions required by the Board shall be filed in accordance with paragraphs (b) and (c) of this section [Rules 6(b) and 6(c)].

(b) *Briefs and Citations.* In addition to submissions required by these rules, the Board may require the parties to file legal or factual briefs concerning any matter that may aid in the disposition of the appeal. When such briefs or submissions are required (by rule or by the Board), the brief or submission shall contain citations to the record and legal authority as appropriate, and follow such other format as may be directed by the Board. Citations to the record must be specific (*i.e.*, to Bates number or other similar designation) so that the Board can locate the exact proposition or matter to which the party is referring. The parties should not expect the Board

to search the record for evidence in support of either party's position. Briefs and submissions that are not submitted in the required format, or which do not contain adequate citations to the record or legal authority, may be rejected by the Board or returned to the party with an order that the party resubmit the brief or submission with appropriate revisions.

(c) *Declarations, Affidavits, or Other Statements.* Any declaration, affidavit, or other statement that is submitted to explain the record must, to the maximum extent possible, include citations to the record in support of the statement, argument, or analysis made. Citations to the record must be specific (*i.e.*, to Bates number or similar designation). Declarations, affidavits, or other statements containing inadequate citations may be returned to the party with an order that the party resubmit the statement with appropriate revisions.

(d) *Motions for Summary Judgment—*  
(1) *Generally.* Motions for summary judgment or partial summary judgment shall be filed only when a party believes, based on uncontested material facts, that it is entitled to relief, in whole or in part, as a matter of law. Such motions shall be filed as soon as practicable to allow the Board to rule on the motion in advance of a scheduled hearing. In considering a motion, or partial motion, for summary judgment, the Board will consider the pleadings, depositions, answers to interrogatories, admissions of record, and affidavits provided, and will grant such motion if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. In deciding motions for summary judgment, the Board will look to Rule 56 of the Federal Rules of Civil Procedure for guidance.

(2) *Requirements.* Where both parties agree that disposition by summary judgment or partial summary judgment is appropriate, they shall file a stipulation of all material facts necessary for the Board to rule on the motion. Otherwise, the moving party shall file with its motion a "Statement of Undisputed Material Facts" setting forth the claimed undisputed material facts in separately numbered paragraphs, each of which shall be supported by citations to the § 22.4 [Rule 4] file or other evidence establishing the facts. The non-moving party shall file a "Statement of Genuine Issues of Material Facts," responding to each numbered paragraph, demonstrating the existence of genuine issues of material facts where appropriate, and including for each fact citations to the § 22.4 [Rule 4] file or

other evidence in support. A fact properly proposed by one party may be accepted by the Board as undisputed unless the opposing party properly responds and establishes that the fact is in dispute. An opposing party may not rely on mere allegations or denials in its pleadings to demonstrate the existence of a genuine issue of material fact. Either party may rely on affidavits, depositions, answers to interrogatories, or admissions of record to establish the existence of, or to dispute, a material fact. The moving party and non-moving party each shall submit a memorandum of law supporting or opposing summary judgment, and the moving party may file a reply to the non-moving party's opposition of the motion.

(3) *Time*. Generally, the non-moving party shall file its opposition to a motion for summary judgment or partial summary judgment within 20 days of receipt of the motion, and the moving party's reply is due within 10 days of receipt of the opposition, except that the Board, in its discretion, may shorten or lengthen the time for opposition and reply based on the nature of the motion, the nature and timing of the case, and the scheduling needs of the Board.

(4) *Citations*. All motions for summary judgment, oppositions to such motions, briefs, and statements in support of the motions or opposition to the motions shall be filed in conformance with paragraphs (b) and (c) of this section [Rules 6(b) and 6(c)].

#### § 22.7 Copies and Service Thereof [Rule 7].

(a) *Rule 4 File*. For documents provided pursuant to § 22.4 of this part [Rule 4], the original and one copy shall be provided to the Board, and one copy shall be provided to each party. Documents shall be provided by hand delivery, express or priority mail, or approved commercial carrier (e.g., UPS or FedEx); first class and parcel post mail are not permitted unless authorized by the Board.

(b) *Other Submissions Filed with the Board*. Except as otherwise authorized by the Board, all correspondence and submissions, other than documents provided pursuant to § 22.4 of this part [Rule 4] and appeals filed under § 22.3(c) of this part [Rule 3(c)], shall be provided to the Board by e-mail at [cab@gao.gov](mailto:cab@gao.gov), with a courtesy copy of the submission provided by e-mail to each of the members of the Board. All e-mails to [cab@gao.gov](mailto:cab@gao.gov) must identify the case name and docket number in the subject line of the e-mail. In addition, unless the Board directs otherwise, the original plus 3 copies of the e-mailed submission also shall be provided to the

Board by hand delivery, express or priority mail, or approved commercial carrier (e.g., UPS or FedEx) within 2 business days of the e-mailed filing (except that the original and one copy are required for appeals involving small claims or using accelerated procedures). Delivery to the Board by first class or parcel post mail is not permitted. However, the Board may at any time modify the number of copies required or authorize alternative methods of delivery to the Board.

(c) *Service on Parties*. All correspondence and submissions to the Board must be provided to all other parties using the same method of service as used for the Board, or an equal or more expeditious method of service. Except for documents provided pursuant to § 22.4 of this part [Rule 4], e-mail service is preferred. However, where the parties agree to other methods of service, such other methods of service to parties are permitted.

(d) *Proof of Service*. A party sending a document to the Board must represent to the Board that a copy has been sent to the other parties, identify the date on which service was made, and identify the method of delivery used. This may be done by certificate of service, by notation of a photostatic copy (cc:), or by any other means that can reasonably be expected to show the Board that the other party has been provided a copy, the date on which the copy was provided, and the method of delivery used to provide the copy. Proof of service must be provided to the Board at the time of filing. If proof of service is not provided, the Board may decline to consider the document in the appeal.

#### § 22.8 General Discovery Procedures [Rule 8].

(a) *General Policy and Methods of Discovery*. The parties are encouraged to engage in voluntary discovery procedures and may obtain discovery by one or more of the following methods: Depositions; written interrogatories; requests for admissions; and requests for production of documents, electronically stored information, other tangible things, or entry onto land.

(b) *Scope of Discovery*. Except as otherwise limited by order of the Board, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involving the pending appeal, whether it relates to a claim or defense of a party, including the existence, description, nature, custody, condition, and location of any books, documents, electronically stored information, or other tangible things, and the identity and location of persons having knowledge of any

discoverable matter. It is not a ground for objection that the information sought will be inadmissible if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Discovery Plan, Conferences, and Orders*. Within 30 days of the initial filing of documents in accordance with § 22.4(a) of this part [Rule 4(a)], the parties shall confer and file with the Board a proposed discovery plan, which shall include estimated time frames and proposed dates for completing discovery and when the parties anticipate that a hearing can be scheduled. Upon request of a party or on its own initiative, the Board may at any time hold an informal meeting or telephone conference with the parties to identify outstanding issues relating to discovery; establish a plan and schedule for discovery; set limitations on discovery; compel compliance with discovery; and issue such orders or determine such other matters as are necessary for the proper management of discovery, including imposing sanctions on the parties as may be appropriate.

(d) *Discovery Limits*. On motion or on its own initiative, the Board may make any order necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Such order may impose limitations on the scope, method, time and place for discovery, and include provisions for protecting the secrecy of confidential information or documents.

(e) *Discovery Objections*. Unless otherwise ordered by the Board, any objection to a discovery request must be filed with the Board within 15 days of receipt of the request. Objections must be filed in writing and state with specificity the grounds therefor. Upon receipt, the Board will establish a schedule for resolving the objections, which may include additional briefing by the parties or oral argument, and will determine the extent to which discovery will be permitted. A party shall fully respond to any discovery request to which it does not file a timely objection, in accordance with paragraph (f) of this section [Rule 8(f)]. The parties are required to make a good faith effort to resolve objections to discovery requests informally prior to seeking relief from the Board.

(f) *Discovery Responses*. Unless otherwise ordered by the Board, a party is required to respond to written interrogatories, requests for admission, and requests for production of documents, electronically stored information, other tangible things, or entry onto land within 30 days of receipt.

(g) *Duty to Supplement Discovery Responses.* A party that has responded to written interrogatories, requests for admission, or requests for production of documents, electronically stored information, or other tangible things, upon becoming aware of deficiencies or inaccuracies in its original responses, or upon acquiring additional information or documents relevant thereto, shall, as quickly as practicable, and as often as necessary, supplement its responses to the requesting party with correct and sufficient additional information and such additional documents as are necessary to give a complete and accurate response to the request.

(h) *Voluntary Cooperation.* Each party is expected to cooperate by making available witnesses and evidence under its control when requested by another party, and to secure the voluntary attendance of third-party witnesses and production of evidence by third parties, when practicable.

(i) *Motions to Compel Discovery.* If a party refuses to comply with a discovery request, or a party's response to a discovery request is incomplete or entirely absent, any other party may file a motion to compel a response. However, such motion must include a representation that the moving party has tried in good faith, prior to filing the motion, to resolve the matter informally. The motion to compel shall include a copy of each discovery request at issue and the response, if any.

(j) *Sanctions.* If, after being properly served with such discovery request, a party fails to appear for deposition, respond to interrogatories or requests for admissions, or respond to a request for production of documents, electronically stored information, other tangible things, or entry onto land, the party seeking discovery may move the Board to impose sanctions under § 22.10 of this part [Rule 10].

#### § 22.9 Subpoenas [Rule 9].

(a) *Issuance.* Upon the written request of any party, or on the initiative of the Board, a subpoena may be issued that commands the person to whom it is directed to attend and give testimony at a deposition or hearing, and/or produce documents or electronically stored information (including writings, papers, books, accounts, photographs, drawings, graphs, charts, recordings, and other data or data compilations) or other tangible things designated in the subpoena, or to permit entry onto designated premises for inspection or other purposes. Requests for subpoenas shall identify the Board and state the name and docket number of the appeal; identify the name of the person to

whom the subpoena is directed; command the person to whom the subpoena is directed to, at a specific place and time, appear and testify, or produce designated documents, electronically stored information, or other tangible things, or permit the inspection of designated premises; and state the scope and relevance of the requested testimony or evidence to the appeal. All requests for subpoenas shall be filed at least 15 days before the testimony or evidence is to be provided, except that the Board may, in its discretion, honor requests for subpoenas not made within this time limitation.

(b) *Service.* The party requesting the subpoena shall cause the subpoena to be served upon the person named in the subpoena as soon as practicable after the subpoena has been issued and shall provide proof of service to the Board. Service shall be made by any person who is not a party and not less than 18 years of age by personal delivery to the person named in the subpoena, and shall include tender of the fees for one day attendance and the mileage allowed by 28 U.S.C. 1821 or other applicable law; however, where the subpoena is issued on behalf of the government, money payments need not be tendered in advance of attendance.

(c) *Motions to Quash.* Upon written motion of the person named in the subpoena or a party, the Board may quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or the Board may require the party in whose behalf the subpoena was issued to advance the reasonable costs of producing subpoenaed evidence. Motions to quash or modify a subpoena must be filed within 10 days of service of the subpoena or by the date and time specified in the subpoena for compliance, whichever is earlier.

(d) *Contumacy.* In the case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States district court, the Board may apply to the court through the Attorney General of the United States for an order requiring the person to appear before the Board to give testimony, produce evidence, or both.

#### § 22.10 Sanctions [Rule 10].

(a) *Standards.* All parties and their representatives, attorneys, and any experts/consultants retained by them or their attorneys, must obey directions and orders prescribed by the Board and adhere to standards of conduct applicable to such parties and persons. As to an attorney, the standards include

the rules of professional conduct and ethics of the jurisdictions in which an attorney is licensed to practice, to the extent that those rules are relevant to conduct affecting the integrity of the Board, its process, and its proceedings. The Board will also look to professional guidelines in evaluating an individual's conduct.

(b) *Imposition of Sanctions.* (1) When a party or its representative or attorney or any expert/consultant fails to comply with any direction or order issued by the Board (including an order to provide or permit discovery), or engages in misconduct affecting the Board, its process, or its proceedings, the Board may make such orders as are just, including the imposition of appropriate sanctions. The sanctions may include:

(i) Taking the facts pertaining to the matter in dispute to be established for the purpose of the appeal in accordance with the contention of the party submitting the discovery request;

(ii) Forbidding challenge of the accuracy of any evidence;

(iii) Refusing to allow the noncompliant party to support or pose designated claims or defenses;

(iv) Prohibiting the noncompliant party from introducing in evidence designated documents or items of testimony;

(v) Striking pleadings or parts thereof, or staying further proceedings until the order is obeyed;

(vi) Dismissing the appeal or any part thereof; and/or

(vii) Imposing such other sanctions as the Board deems appropriate.

(2) Prior to imposing sanctions, the Board will provide the noncompliant party with notice and an opportunity to be heard on the issue of whether sanctions should be imposed. The opportunity to be heard does not mean that the party is entitled to a hearing; the opportunity to provide written argument shall satisfy this requirement.

(c) *Disciplinary Proceedings.* In addition to the above procedures, the Board may discipline individual party representatives, attorneys, and experts/consultants for a violation of any Board order or direction or standard of conduct applicable to such individual where the violation affects the integrity of the Board's process or proceedings. Sanctions may be public or private and may include admonishment, disqualification from a particular matter, referral to an appropriate licensing authority, or such other action as circumstances may warrant. The Board, in its discretion, may suspend an individual from appearing before the Board as a party representative, attorney, or expert/consultant if, after

affording such individual notice and an opportunity to be heard, a majority of all members of the Contact Appeals Board determines that such sanction is warranted.

#### § 22.11 Depositions [Rule 11].

(a) *When Depositions May Be Taken.* After an appeal has been docketed by the Board and a complaint has been filed, either party may take the testimony of any person by deposition upon oral examination or written questions, for the purpose of discovery or for use as evidence in the appeal proceedings, or for both purposes.

(b) *Time, Place, and Manner of Taking.* The time, place, and manner of taking depositions shall be as mutually agreed to by the parties or, failing such agreement, be governed by order of the Board.

(c) *Limits.* The number of depositions taken shall not be limited except as the Board may require to protect a party from annoyance, burden, or harassment.

(d) *Use as Evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. Depositions ordinarily will not be received in evidence if the deponent is present and can testify personally at the hearing; however, depositions may be used to contradict or impeach the testimony of a deponent as a witness. If only a part of a deposition is offered in evidence by a party, an adverse party may require the offering party to introduce any other part which in fairness ought to be considered with the part introduced. In any case, the Board, upon the agreement of the parties, may permit the introduction of relevant portions of depositions as designated by the parties. If no hearing has been conducted and the appeal has been submitted on the record pursuant to § 22.17 of this part [Rule 17], the Board, in its discretion, may receive depositions in evidence to supplement the record.

#### § 22.12 Interrogatories [Rule 12].

(a) *When Interrogatories May Be Served.* After an appeal has been docketed by the Board and a complaint has been filed, a party may serve on an adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent who shall furnish such information as is available to the party.

(b) *Answers.* The interrogatories shall be answered separately and fully in writing, signed under oath by the person

answering them, and served on the party submitting the interrogatories. Objections to the interrogatories shall be signed by counsel for the party responding to the interrogatories. An interrogatory is not necessarily objectionable merely because an answer to the interrogatory may involve an opinion or contention that relates to fact or the application of law to fact; however, the Board may order that such interrogatory need not be answered until after discovery has been completed or some other event has occurred.

(c) *Scope and Use as Evidence.* Interrogatories may relate to any matters which can be inquired into under § 22.11 of this part [Rule 11] (Depositions), and the answers may be used to the same extent as provided for the use of the deposition of a party.

(d) *Limits.* The number of interrogatories or sets of interrogatories to be served shall not be limited except as the Board may require to protect a party from annoyance, burden, or harassment.

(e) *Option to Produce Business Records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon which the interrogatory has been served, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the record(s) from which the answer may be derived or ascertained and to afford the party serving the interrogatory a reasonable opportunity to examine, audit, or inspect such records and to make copies thereof. Such specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the record(s) from which the answer may be ascertained.

#### § 22.13 Requests for Admission [Rule 13].

(a) *When Requests for Admission May Be Served.* (1) After an appeal has been docketed by the Board and a complaint has been filed, a party may serve on the opposing party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request, or of the truth of any relevant matters of fact set forth in the request. Each of the matters for which an admission is requested shall be deemed admitted unless, within the period designated in § 22.8(c) and § 22.8(f) of this part [Rules 8(e) and 8(f)] for responding to discovery requests, the party to whom the request is directed

serves upon the party requesting the admission either:

(A) A sworn statement denying specifically the matters for which an admission is requested or setting forth in detail the reasons why he or she cannot truthfully admit or deny those matters, or

(B) Written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part.

(2) If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in Rule 8(f). A denial shall fairly meet the substance of the requested admission and, when good faith requires that a party deny only a part of a matter for which an admission is requested, he or she shall specify so much of it as is true and deny only the remainder.

(b) *Limits.* The number of requests for admissions served shall not be limited except as the Board may require to protect a party from annoyance, burden, or harassment.

(c) *Use as Evidence.* Any matter admitted is conclusively established for the purpose of the pending action, unless the Board, on motion, permits withdrawal or amendment of the admission.

#### § 22.14 Production of Documents, Electronically Stored Information, Other Tangible Things, or Entry Onto Land [Rule 14].

(a) *When Documents, Electronically Stored Information, Other Tangible Things, or Entry Onto Land May Be Requested.* After an appeal has been docketed by the Board and a complaint has been filed, any party may serve on any other party a request—

(1) To produce and permit the inspection, copying, or photographing of any designated documents or electronically stored information (including writings, papers, books, accounts, photographs, drawings, graphs, charts, recordings, and other data or data compilations), or other tangible things, not privileged, which are in his, her, or its possession, custody, or control and which are within the scope of discovery as described in § 22.8(b) of this part [Rule 8(b)]; or

(2) To permit entry onto designated land or other property in his or its possession or control for the purpose of inspecting, measuring, surveying, filming, or photographing the property or any designated object or operation thereon which is within the scope of

discovery as described in § 22.8(b) of this part [Rule 8(b)].

(b) *Time, Place, and Manner.* The request shall specify the time, place, and manner of making the inspection and taking the copies and photographs. The Board may make an order that the inspection, copying, measuring, surveying, filming, or photographing shall be limited to certain matters; or the Board may make any other order which, in its discretion, it deems appropriate to protect the party from annoyance, burden, or harassment.

#### § 22.15 Conferences and Orders [Rule 15].

(a) *Status Conferences and Reports.* At any time during the appeal, the Board, upon its own initiative or upon the request of one of the parties, may call upon the parties or their attorneys or representatives to appear before the Board (or one or more members thereof) for a status conference to consider or report on whatever matters are necessary to aid in the disposition of the appeal. Such matters may include, for example, the simplification or clarification of issues, the necessity or desirability of amendments to the pleadings, agreements and rulings to facilitate discovery, progress reports during discovery, and pre-hearing procedures and scheduling. Status conferences may be conducted in person or by telephone, and the Board generally will make an order which recites the action taken at the conference(s). From time to time, the Board also may require one or more of the parties, either jointly or individually, to provide status reports concerning any matter that aids in the disposition of the appeal.

(b) *Rulings, Orders, and Directions.* The Board may make such rulings and issue such orders and directions as are necessary to secure the informal, expeditious, and inexpensive resolution of every case before the Board. Any ruling, order, or direction that the Board may make or issue pursuant to the rules of this Board may be made on the motion of any party or on the initiative of the Board. The Board may also amend, alter, or vacate a ruling, order, or direction upon such terms as it deems appropriate. In making rulings and issuing orders and directions, the Board will take into consideration those Federal Rules of Civil Procedure and Federal Rules of Evidence which address matters not specifically covered herein.

#### § 22.16 Hearings [Rule 16].

(a) *Election of Hearing or Record Submission.* Each party shall inform the Board, in writing, whether it elects a

hearing or submission of the case on the record pursuant to § 22.17 of this part [Rule 17]. Such election shall occur no later than 15 days after the conclusion of discovery, unless the Board directs otherwise. In the event that only one party waives a hearing and submits its case on the record, the Board may proceed with a hearing attended by the remaining parties.

(b) *Pre-Hearing Schedule.* (1) Within 30 days of the conclusion of discovery, the parties shall meet and confer and provide the Board with a joint proposed schedule for pre-hearing and hearing disclosures, submissions, and key events. In the absence of agreement, each party shall submit its own proposed schedule. The schedule shall address, at a minimum, deadlines for submitting the following:

(i) Dispositive motions, motions for summary judgment, and motions in limine, which allow sufficient time for the Board to resolve the motions before the hearing;

(ii) Pre-hearing briefs or statements of the case;

(iii) The identification of lay and expert witnesses for hearing, the general substance of testimony to be offered by each witness, and any depositions that will be used in lieu of witness testimony;

(iv) The exchange of expert reports and statements (if not done during discovery);

(v) Proposed stipulations of fact;

(vi) The exchange of hearing exhibit books;

(vii) The production of any additional documents to be used at the hearing that are not already part of the § 22.4 [Rule 4] file;

(viii) Objections to proposed evidence or § 22.4 [Rule 4] file submissions;

(ix) Date for conducting a pre-hearing conference;

(x) Dates and duration of the hearing; and

(xi) Any other matter necessary for resolution before the hearing.

(2) As soon as practicable after receipt of the parties' proposed schedule(s), the Board will issue an order establishing a schedule for pre-hearing submissions and events, taking into account the parties' proposed schedule, the nature of the case, and the scheduling needs of the Board.

(c) *Pre-Hearing Conference.* Prior to the hearing, the Board will conduct a pre-hearing conference to discuss such matters as may be necessary to conduct an orderly and efficient hearing. Objections to evidence may be resolved during the pre-hearing conference or at

such other time as established by the Board.

(d) *Pre-Hearing Briefs.* At least 20 days before a scheduled hearing, each party shall file, in accordance with § 22.6(b) of this part [Rule 6(b)], a pre-hearing statement of the case, which shall include the party's legal and factual analysis of the relevant issues, and how the party intends to prove its case.

(e) *Location of Hearing.* Hearings will be held at 441 G Street, NW., Washington, DC 20548, unless otherwise ordered by the Board. The Board will consider a request for a hearing at another location if compelling reasons are timely presented.

(f) *Notice of Hearing.* The parties, or their counsel, will be given at least 15 days notice of the time and place of a hearing on the merits, provided that the parties may, with the approval of the Board, waive notice and fix a mutually satisfactory time for the hearing. Continuances will not be granted except upon written request and for good cause.

(g) *Nature of Hearing.* Hearings may be held by one or more of the panel members of the Board and shall be as informal as may be reasonable and appropriate under the circumstances. Each party may offer the testimony of witnesses, who shall be subject to cross-examination by the opposing party, and such relevant and material evidence as they deem appropriate and as would be admissible under paragraph (h) of this section [Rule 16(h)], subject, however, to the sound discretion of the presiding Board member in supervising the extent and manner of presentation of such evidence. Stipulations of fact agreed upon by the parties must be in writing, must be filed with the Board, and may be used as evidence at the hearing. The parties may also stipulate to the testimony that would be given by a witness if the witness were present. The Board may at any time during the hearing require evidence or argument in addition to that put forth by the parties.

(h) *Admissibility and Weight of Evidence.* In general, any relevant and material evidence that would be admissible under the Federal Rules of Evidence will be admitted to the record. However, evidence which may not be admissible under the Federal Rules of Evidence, including hearsay, may be admitted at the discretion of the presiding Board member. The Board may also exclude evidence to avoid unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The weight to be attached to evidence and credibility to be accorded

witnesses will be determined by the Board, in its discretion.

(i) *Examination of Witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated or the Board shall otherwise order. If the testimony of a witness is not given under oath, the Board may warn the witness that his or her statements may be subject to the provisions of title 18, United States Code, secs. 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(j) *Availability of Witnesses, Documents, and Other Tangible Things.* It is the responsibility of a party desiring to call any witness, or to use any document or other tangible thing as an exhibit in the course of a hearing, to ensure that whoever it wishes to call and whatever it wishes to use is available at the hearing. In the event that a witness does not appear or refuses to answer a question, or evidence requested by the Board is not produced, the Board may draw an adverse inference of the fact in question against the party responsible for providing the witness or evidence.

(k) *Issues Not Raised by the Pleadings.* If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may nevertheless be admitted by the Board, in its discretion, if it is within the proper scope of the appeal. If such evidence is admitted, the pleadings may be amended to conform to the evidence. The Board may also grant the objecting party a continuance to enable it to respond to the evidence.

(l) *Delay by the Parties.* If the Board determines that the hearing is being unreasonably delayed by the failure of a party to produce evidence, or by the undue prolongation of the presentation of evidence, it may, by written order or by ruling from the bench, prescribe a time or times within which the presentation of evidence must be concluded, establish time limits on the direct or cross-examination of witnesses, and enforce such order or ruling by appropriate sanctions.

(m) *Exhibits.* Unless otherwise directed by the Board, each party shall prepare (jointly or individually) hearing exhibit books for use during the hearing, and shall provide such books to the Board and opposing counsel at least 3 days before the hearing commences. The books shall consist of documents (or relevant excerpts from documents)

placed in a 3-ring binder or similar loose-leaf binder bound on the left margin, separated by numbered tabs, with an index of the documents in the front of each binder. The index shall identify the document by name and, where applicable, the § 22.4 [Rule 4] file citation (tab and Bates numbers). Each document page included in the exhibit books must be marked with the corresponding Bates number or applicable numerical markings used in the § 22.4 [Rule 4] file. Documents not contained within the hearing books shall be marked by the Board during the hearing. Documents contained in the hearing book that are not admitted into evidence during the hearing will not become part of the record unless already part of the § 22.4 [Rule 4] file, or unless their inclusion in the record is requested by the presenting party and permitted by the Board.

(n) *Copies.* Copies of documents may be offered and received into evidence as exhibits, provided that they are of equal legibility and quality as the originals, and such copies shall have the same force and effect as if they were the originals. If the Board so directs, the party offering a copy of a document as an exhibit shall have the original available at the hearing for examination by the Board and any other party. When the original of a document has been received in evidence, an accurate copy thereof may be substituted in evidence for the original by leave of the Board at any time.

(o) *Absence of Parties or Counsel.* The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be occasion for delay. In such event, the hearing will proceed and the case will be regarded as submitted by the absent party unless he or she appears before the conclusion of the hearing and offers additional evidence.

(p) *Transcripts.* Unless the Board orders otherwise, all hearings will be stenographically or electronically recorded and transcribed. Other conferences and proceedings may be recorded or transcribed by order of the Board. Generally, the Board will arrange for the stenographer to record and transcribe the proceeding. Each party is responsible for purchasing its own copy of the transcript(s) or recording(s). Waiver of recordation and transcription may be especially suitable for appeals resolved under the small claims procedure prescribed in § 22.22(c) of this part [Rule 22(c)].

(q) *Post-Hearing Briefs.* The Board may require the submission of post-hearing briefs. In such case, briefs shall be filed within 30 days after receipt of

the transcript of the hearing, and reply briefs shall be filed within 15 days after receipt of the initial post-hearing briefs, unless such other time period has been established by the Board. Post-hearing briefs shall be filed in accordance with the requirements of § 22.6(b) of this part [Rule 6(b)].

(r) *Post-Hearing Evidence.* No evidence shall be submitted by any party after the hearing has concluded, including but not limited to post-hearing declarations, unless authorized by the Board in its discretion.

#### **§ 22.17 Submission on the Record Without a Hearing [Rule 17].**

(a) *General Requirements.* Pursuant to § 22.16(a) of this part [Rule 16(a)], either party may elect to submit its case on the record without a hearing. Submission of a case without a hearing does not relieve the parties from the necessity of proving the facts supporting their claims or defenses.

(b) *Conference in Lieu of Hearing.* If neither side desires a hearing, either party may request that a conference be held in lieu of a hearing with one or more members of the panel designated to decide the appeal, and such request may be granted at the discretion of the Board. The purpose of the conference is not to introduce new matters or evidence, but to permit explanations and argument of matters of record. If any new matter is introduced at the conference by either party, consideration of the appeal will be deferred until the opposing party has been apprised thereof and has had an opportunity to reply. Both parties will be afforded the right to be present at any such conference. At the request of a party, or on the Board's initiative, the conference may be stenographically or electronically recorded and transcribed pursuant to § 22.16(p) of this part [Rule 16(p)].

(c) *Statement of the Case.* The Board, at its discretion, may order a party that submits its case on the record without a hearing to submit a written statement of the case, including a legal and factual analysis of the relevant issues, within such period of time as the Board allows. The Board may also order parties to submit reply briefs. Briefs will be filed in accordance with the requirements of § 22.6(b) of this part [Rule 6(b)].

#### **§ 22.18 Closing the Record [Rule 18].**

(a) *Closing the Record.* The record will be closed on a date announced by the Board by written notice.

(b) *Supplementing the Record After the Record is Closed.* Except as the Board may otherwise order in its discretion, no evidence shall be

received after the record is closed. However, at any time after the closing of the record and prior to a decision of the appeal by the Board, at the request of a party or upon its own initiative, the Board may reopen the record for the purpose of receiving newly discovered evidence or for such other reason as may appear to the Board to be appropriate.

**§ 22.19 Findings and Decisions of the Board [Rule 19].**

(a) *Generally.* All proceedings shall be concluded and appeals disposed of as expeditiously as possible, commensurate with sound adjudicatory procedure. The findings and decision in each appeal shall be made by the members of the panel which considered that appeal, and the findings and decision of the majority thereof shall constitute the findings and decision of the Board. The absence or withdrawal of one member of the panel which considered that appeal shall not invalidate the proceedings, and the decision of the remaining panel members shall constitute the decision of the Board. All decisions and findings of the Board shall be made in writing and copies thereof shall be forwarded to the parties or their counsel.

(b) *Record Upon Which Findings and Decisions are Based.* (1) The record upon which any decision of the Board will be rendered consists of the following:

- (i) Notice of appeal;
- (ii) Pleadings, motions, written briefs and statements, and responses thereto;
- (iii) Rule 4 file and any supplements other than those to which an objection has been sustained;
- (iv) Hearing exhibits other than those to which an objection has been sustained;
- (v) Orders, rulings, and directions to the parties issued by the Board;
- (vi) Written transcripts and electronic recordings of proceedings;
- (vii) Stipulations, party admissions, depositions or parts thereof received in evidence, and written interrogatories and responses received in evidence;
- (viii) Anything else that the Board may designate.

(2) All other documents and electronically stored information are part of the administrative record of the proceedings and are not included in the record upon which the Board's decision will be rendered.

**§ 22.20 Mistakes and Corrections [Rule 20].**

(a) *To Decisions and Orders.* Clerical mistakes in decisions or orders of the Board may be corrected at any time on

the Board's own initiative or upon motion of a party, except that if an appeal has been filed with another tribunal, such mistakes may be corrected only with leave of that tribunal.

(b) *To the Official Transcript.* Corrections to an official transcript of a hearing will be made only when they involve errors affecting its substance. The Board may order such corrections on motion or on its own initiative and only after notice to the parties giving them an opportunity to object. Such corrections will ordinarily be made either by hand with pen and ink or by the appending of an errata sheet, or the Board may require that the reporter provide substitute or additional pages.

**§ 22.21 Motion for Reconsideration [Rule 21].**

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 15 days of receipt of a copy of the Board's decision. Mere disagreement with a decision, re-argument of points already made, or the presentation of new evidence that could have been presented during the appeal but was not, are not sufficient grounds for reconsideration. A motion pending under § 22.21 [Rule 21] does not affect the finality of a decision or suspend its operation.

**§ 22.22 Accelerated and Small Claims Procedures [Rule 22].**

(a) *Variation from Standard Proceedings.* The ultimate purpose of any Board proceeding is to resolve fairly and expeditiously any dispute properly before the Board. The Board may at any time during an appeal modify the procedures contained in these rules if it is deemed feasible and furthers the resolution of the issue(s) in controversy.

(b) *Accelerated Procedure.* The accelerated procedure is available solely at the appellant's election, and only when the monetary amount in dispute is \$100,000 or less. Such election shall be made no later than 15 days after receipt of the government's answer to the complaint, unless the Board enlarges the time for good cause shown. Promptly after receiving a timely filed election, the Board shall establish a schedule of proceedings that will allow for the timely resolution of the appeal. Pleadings may be simplified, discovery and other pre-hearing activities may be restricted or eliminated, and the appeal may be decided by a single member of the Board. Either party's failure to adhere to the Board's schedule may result in the Board drawing evidentiary

inferences adverse to the party at fault. Whenever possible, the Board shall resolve an appeal under this procedure within 180 days from the Board's receipt of the election.

(c) *Small Claims Procedure.* The small claims procedure is available solely at the appellant's election, and only when the monetary amount in dispute is \$50,000 or less (or in the case of a small business concern is \$150,000 or less). Such election shall be made no later than 15 days after receipt of the government's answer to the complaint, unless the Board enlarges the time for good cause shown. Promptly after receiving a timely filed election, the Board shall establish a schedule of proceedings that will allow for the timely resolution of the appeal. Pleadings may be simplified, discovery and other pre-hearing activities may be restricted or eliminated, and the appeal may be decided by a single member of the Board. Either party's failure to adhere to the Board's schedule may result in the Board drawing evidentiary inferences adverse to the party at fault. Whenever possible, the Board shall resolve an appeal under this procedure within 120 days from the Board's receipt of the election.

**§ 22.23 Suspension of Proceedings [Rule 23].**

At any time, the Board may suspend the proceedings by agreement of the parties for settlement discussions, or for good cause shown.

**§ 22.24 Alternative Dispute Resolution [Rule 24].**

(a) *Docketed Appeals.* The Board considers Alternative Dispute Resolution (ADR) to be an efficient way to timely resolve many contract disputes, and therefore encourages the parties to use ADR as an effective means to resolve their contract dispute. ADR with Board participation is available at the initiative of the Board or upon the joint motion of both parties. Guidelines, procedures, and requirements for implementing ADR will be prescribed by agreement of the parties and the Board. Ordinarily, ADR will be performed by a Board member, designated by the Chairman of the Board, that is not one of the three panel members deciding the dispute.

(b) *Other Matters.* Upon request and in the Board's discretion, the Board can make an ADR neutral available for an ADR proceeding, even if the contracting officer's decision has not been issued or is not contemplated. Such a request should be directed to the Chairman of the Board.

**§ 22.25 Protective Orders and In Camera Review [Rule 25].**

(a) *Protective Orders.* Upon motion of any party, or on the Board's initiative, the Board may issue a protective order to hold materials under conditions that would limit access to them on the ground that such documents are privileged or confidential, or sensitive in some other way. Any motion filed under this rule must state with specificity the grounds for such limited access. The manner in which such materials will be held, the persons that shall have access to them, and the conditions under which such access will be allowed will be specified in an order of the Board.

(b) *In Camera Review.* Generally, all documents and evidence provided to the Board must also be provided to all other parties to the appeal or their legal counsel or representative. However, in limited circumstances, such as in deciding matters of privilege, it may be appropriate for the Board to review documents or evidence in camera. In camera review may be requested upon motion to the Board, or on the Board's initiative. Any motion filed under this rule must state with specificity the grounds for seeking in camera review.

**§ 22.26 Representation of Parties [Rule 26].**

(a) *The Appellant.* Any appellant may appear before the Board represented by an attorney duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. An individual appellant may appear before the Board in person; a corporation may be represented by an officer thereof; a partnership or joint venture may be represented by a member thereof. Under special circumstances, the Board may authorize a contractor to appear before the Board represented by a duly authorized representative other than those mentioned herein for the purposes of that appeal only.

(b) *The Respondent.* The respondent may appear before the Board represented by an attorney duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. Such attorney shall be designated with authority to represent the government's interests before the Board. Alternatively, if not otherwise prohibited, the respondent may appear before the Board represented by the contracting officer or the contracting officer's authorized representative.

(c) *Others.* The Board may, on motion, in its discretion, permit a special or limited appearance, such as by amicus curiae. Permission to appear, if granted,

will be for such purposes and in such manner as established by the Board.

(d) *Notice of Appearance.* An attorney or other duly authorized representative representing a party before the Board shall file a notice of appearance. Such notice shall provide the person's name, address, direct dial telephone number, fax number, and e-mail address. If multiple attorneys or law firms represent a party, the contact information for each attorney shall be provided to the Board. In such instances, the party shall designate a single attorney or individual as the primary point of contact for the party. Notices of appearance shall be filed at the commencement of the appeal and shall be updated as necessary during the appeal.

**§ 22.27 Ex Parte Communications [Rule 27].**

No member of the Board shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal without the knowledge and consent of the adverse party. This provision does not apply to consultation among Board members or to ex parte communications concerning the Board's administrative functions or procedures.

**§ 22.28 Time [Rule 28].**

In computing any period of time described in these rules, "days" refer to calendar days, unless otherwise specified in these rules. The first day from which the period begins to run is not counted, and when the last day of the period is Saturday, Sunday, or a Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or a Federal holiday. Documents shall be deemed "filed" on the date and time received by the Board if received before 5:30 p.m. EST, or the next business day if received after 5:30 p.m. EST.

**§ 22.29 Inspection of the Record [Rule 29].**

The notice of appeal, the complaint, the answer, the documents required to be filed therewith pursuant to § 22.4 of this part [Rule 4], all papers filed by the parties with the Board pursuant to these rules, and all correspondence exchanged between the Board and the parties or their attorneys shall be available for inspection at the offices of the Board. Prior arrangements for inspection of the file should be made with a member of the Board.

Dated: June 20, 2008.

**James A. Spangenberg,**

*Chairman, Government Accountability Contract Appeals Board.*

[FR Doc. E8-14355 Filed 6-25-08; 8:45 am]

**BILLING CODE 1610-02-P**

**DEPARTMENT OF AGRICULTURE****Rural Housing Service****7 CFR Part 1944****RIN 0575-AC76****Housing Preservation Grants**

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Direct final rule.

**SUMMARY:** The Rural Housing Service (RHS), hereafter referred to as U.S. Department of Agriculture Rural Development is amending its regulations for the Housing Preservation Grants Program to include faith-based and community organizations. Faith-based and community organizations receiving Housing Preservation Grants (HPG) Program funding for the purpose of repairing and rehabilitating housing will operate within the guidance of the 7 CFR 1944, subpart N, as well as, comply with the terms specified in the HPG grant agreement. The intended effect is to improve the delivery and operation of the HPG Program.

**DATES:** This rule is effective September 9, 2008, unless we receive written adverse comments or written notices of intent to submit adverse comments on or before August 25, 2008. If we receive such comments or notice, we will publish a timely document in the **Federal Register** withdrawing the rule.

**ADDRESSES:** You may submit adverse comments or notice of intent to submit adverse comments by any of the following methods:

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

- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, USDA Rural Development, STOP 0742, 1400 Independence Avenue, SW., Washington, DC 20250-0742.

- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or another mail courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, USDA Rural Development, 300 7th Street, SW., Washington, DC 20024.

All written comments will be available for public inspection during

regular work hours at the 300 7th Street, SW., address listed above.

**FOR FURTHER INFORMATION CONTACT:**

Bonnie Edwards-Jackson, Senior Loan Specialist, Multi-Family Housing Processing Division, USDA Rural Development, USDA, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250-0781, telephone: (202) 690-0759.

**SUPPLEMENTARY INFORMATION:**

**Classification**

This rule has been determined to be not significant and has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

**Civil Justice Reform**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this order: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with 7 CFR part 11, must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

**Executive Order 13132**

The policies contained in this rule do not have any substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

**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, 2 U.S.C. 1532, USDA Rural Development 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, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such statement is needed for a rule, section 205 of the UMRA generally requires USDA Rural Development to identify and consider a reasonable number of

regulatory alternatives and adopt the least costly, more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates (under the provisions of Title II of the UMRA) for State, local, and tribal Governments or the private sector. Therefore, this rule is not subject to the requirements of section 202 and 205 of the UMRA.

**Programs Affected**

The program affected by this rule is listed in the Catalog of Federal Domestic Assistance under Number 10.433, Rural Housing Preservation Grants.

**Intergovernmental Consultation**

The program is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials.

Intergovernmental consultation has been conducted in accordance with RD Instruction 1940-J.

**Environmental Impact Statement**

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of RHS that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

**Regulatory Flexibility Act**

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities.

**Paperwork Reduction Act of 1995**

The information collection requirements contained in this regulation have been approved by OMB under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0575-0172, in accordance with the Paperwork Reduction Act (PRA) of 1995. This rule does not impose any new or modified information collection requirements.

**E-Government Act Compliance**

The USDA Rural Development is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to

Government information and services, and for other purposes.

**Background**

The HPG program is a grant program, which provides qualified public agencies, private nonprofit organizations, and other eligible entities grant funds to assist very low- and low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons.

The regulation governing the HPG program is being amended to provide clarification for the public regarding the eligibility of faith-based and community organizations for the HPG Program.

The reason for the revision is the present regulation lacks language referencing faith-based and community organizations. Revising the regulation will further clarify the definition of "Organization" to include faith-based and community organizations. As a result, this will enable more faith-based and smaller community based organizations to apply for the HPG funding.

**List of Subjects in 7 CFR Part 1944**

Grant programs—Housing and community development, Home improvement, Loan programs, Housing and community development, Nonprofit organizations, Rural housing.

■ For the reasons set forth in the preamble, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

**CHAPTER XVIII—RURAL HOUSING SERVICE, RURAL BUSINESS-COOPERATIVE SERVICE, RURAL UTILITIES SERVICE, AND FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE**

**PART 1944—HOUSING**

■ 1. The authority citation for part 1944 continues to read as follows:

*Authority:* 5 U.S.C. 301; 42 U.S.C. 1480.

**Subpart N—Housing Preservation Grants**

■ 2. Section 1944.656 is amended by revising the definition for "Organization" to read as follows.

**§ 1944.656 Definitions.**

\* \* \* \* \*

*Organization.* An organization is defined as one of the following:

(1) A State, commonwealth, trust territory, other political subdivision, or public nonprofit corporation authorized to receive and administer HPG funds;

(2) An American Indian tribe, band, group, nation, including Alaskan Indians, Aleuts, Eskimos and any Alaskan Native Village, of the United States which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512);

(3) A private nonprofit organization, including faith-based and community organizations, that is owned and controlled by private persons or interests for purposes other than making gains or profits for the corporation, is legally precluded from distributing any gains or profits to its members, and is authorized to undertake housing development activities; or

(4) A consortium of units of government and/or private nonprofit organizations, including faith-based and community organizations, which is otherwise eligible to receive and administer HPG funds and which meets the following conditions:

(i) Be comprised of units of government and/or private nonprofit corporations that are close together, located in the same state, and serve areas eligible for USDA Rural Development assistance; and

(ii) Have executed an agreement among its members designating one participating unit of government or private nonprofit corporation as the applicant or designating a legal entity (such as a Council of Governments) to be the applicant.

\* \* \* \* \*

#### § 1944.679 [Amended]

■ 3. Section 1944.679 is amended as follows:

■ A. By removing the number “2” and adding the words “at least one” in its place in paragraphs (b)(3)(i) and (ii), and

■ B. By removing the words “, including FmHA or its successor agency under Public Law 103-354’s HPG program” in paragraph (b)(3)(i).

#### Appendix—Exhibit D to Subpart N of Part 1944 [Amended]

■ 4. In the appendix, Exhibit D to Subpart N of Part 1944, paragraph 3(a) and (b) are amended by removing the word “two” and adding the words “at least one” in its place.

Dated: June 14, 2008.

**Russell T. Davis,**

*Administrator, Rural Housing Service.*

[FR Doc. E8-14456 Filed 6-25-08; 8:45 am]

BILLING CODE 3410-XV-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26]

#### Amendment of Class E Airspace; Danville, KY

**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 15058) that amends the Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) that were developed to serve the Stuart Powell Field Airport. Additionally, the direct final rule made a technical amendment addressing the airport’s name change from Goodall Field Airport to Stuart Powell Field Airport.

**DATES:** Effective 0901 UTC, September 25, 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, AJA-E3B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305-5581; fax (404) 305-5572.

#### SUPPLEMENTARY INFORMATION:

##### Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on March 21, 2008 (73 FR 15058), Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26. The FM 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 September 25, 2008. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, GA, on June 5, 2008.

**Mark D. Ward,**

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

[FR Doc. E8-14167 Filed 6-25-08; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0154; Airspace Docket No. 08-ASO-10]

#### Establishment of Class E Airspace; Canon, GA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E Airspace at Canon, GA, to accommodate the new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) that have been developed for Franklin County Airport. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and for Instrument Flight Rule (IFR) operations at Franklin County Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

**DATES:** *Effective Date:* 0901 UTC, September 25, 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:

##### History

On March 21, 2008, the FAA proposed to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Canon, GA, (73 FR 14949). This action provides

adequate Class E airspace for IFR operations at Franklin County Airport. Designations for Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in FAA Order 74009R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace at Canon, GA, to provide controlled airspace required to support the Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) that have been developed for Franklin County Airport.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

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

*Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

### ASO GA E5 Canon, GA [New]

Franklin County Airport, GA  
(Lat. 34°20'25" N., long. 83°07'51" W.)

That airspace extending upward from 700 feet above the surface of the Earth within a 6.6-mile radius of the Franklin County Airport.

\* \* \* \* \*

Issued in College Park, Georgia, on June 5, 2008.

**Mark D. Ward,**

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

[FR Doc. E8–14168 Filed 6–25–08; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2008–0161; Airspace Docket No. 08–AEA–14]

#### Establishment of Class E Airspace; Susquehanna, 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 published in the **Federal Register** (73 FR 14679) that establishes Class E Airspace at Susquehanna, 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 Susquehanna High School Heliport.

**DATES:** Effective 0901 UTC, September 25, 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 March 19, 2008 (73 FR 14679), Docket No. FAA 2008–0161; Airspace Docket No. 08–AEA–14. 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 September 25, 2008. No adverse comments were received, and thus this notice confirms that effective date.

\* \* \* \* \*

Issued in College Park, Georgia, on June 4, 2008.

**Mark D. Ward,**

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

[FR Doc. E8–14165 Filed 6–25–08; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2008–0162; Airspace Docket No. 08–AEA–15]

#### Establishment of Class E Airspace; Sunbury, 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 published in the **Federal Register** (73 FR 14677) that establishes Class E Airspace at Sunbury, 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 Sunbury Community Hospital Airport.

**DATES:** Effective 0901 UTC, September 25, 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 Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5581.

**SUPPLEMENTARY INFORMATION:**

**Confirmation of Effective Date**

The FAA published this direct final rule with a request for comments in the *Federal Register* on March 19, 2008 (73 FR 14677), Docket No. FAA-2008-0162; Airspace Docket No. 08-AEA-15. 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 September 25, 2008. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, Georgia, on June 4, 2008.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organizations.*

[FR Doc. E8-14163 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**14 CFR Part 97**

[Docket No. 30614; Amdt. No. 3275]

**Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of

new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective June 26, 2008. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 26, 2008.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*Availability—*All SIAPs are available online free of charge. Visit [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:**

Harry J. Hodges, Flight Procedure Standards Branch (AFS-420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (*Mail Address:* P.O. Box 25082 Oklahoma City, OK 73125) *telephone:* (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The

complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

**The Rule**

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P-NOTAMs.

The SIAPs, as modified by FDC/P-NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under DOT Regulatory Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on June 13, 2008.

**James J. Ballough,**  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

*Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
6/4/08	FL	Punta Gorda	Charlotte County	8/0327	RNAV (GPS) Rwy 4, Orig.
6/4/08	FL	Punta Gorda	Charlotte County	8/0328	VOR Rwy 4, Amdt 1.
6/5/08	ME	Bangor	Bangor Intl	8/0730	Radar-1, Amdt 4.
6/5/08	NC	Morganton	Foothills Regional	8/0774	RNAV (GPS) Rwy 21, Orig.
6/5/08	MT	Billings	Billings Logan Intl	8/0791	RNAV (GPS) Rwy 7, Orig-A.
6/6/08	AR	Walnut Ridge	Walnut Ridge Regional	8/0839	RNAV (GPS) Rwy 18, Orig.
6/6/08	AR	Walnut Ridge	Walnut Ridge Regional	8/0840	RNAV (GPS) Rwy 36, Orig.
6/6/08	AR	Walnut Ridge	Walnut Ridge Regional	8/0841	LOC Rwy 18, Amdt 3.
6/6/08	AR	Walnut Ridge	Walnut Ridge Regional	8/0842	VOR/DME Rwy 22, Amdt 13.
6/6/08	AR	Walnut Ridge	Walnut Ridge Regional	8/0843	VOR A, Amdt 16.
6/6/08	AR	Walnut Ridge	Walnut Ridge Regional	8/0844	RNAV (GPS) Rwy 22, Orig-A.
6/6/08	NC	New Bern	Craven County Regional	8/0861	Takeoff Minimums and Obstacle DP, Amdt 3.
6/6/08	MS	Philadelphia	Philadelphia Muni	8/0957	RNAV (GPS) Rwy 36, Orig-A.
6/6/08	MS	Philadelphia	Philadelphia Muni	8/0958	RNAV (GPS) Rwy 18, Orig.
6/6/08	NC	New Bern	Craven County Regional	8/0996	RNAV (GPS) Rwy 22, Orig.
6/6/08	ND	Fargo	Hector Intl	8/1009	VOR/DME or TACAN Rwy 18, Amdt 1A.
6/6/08	IN	Terre Haute	Terre Haute Intl-Hulman Field	8/1010	RNAV (GPS) Rwy 14, Orig.
6/9/08	TN	Murfreesboro	Murfreesboro Muni	8/1310	RNAV (GPS) Rwy 18, Orig.
6/9/08	TN	Murfreesboro	Murfreesboro Muni	8/1311	NDB Rwy 18, Orig-C.
6/9/08	TN	Murfreesboro	Murfreesboro Muni	8/1312	RNAV (GPS) Rwy 36, Orig.
6/9/08	TN	Millington	Millington Regional Jetport	8/1364	RNAV (GPS) Rwy 22, Amdt 1.
6/11/08	CA	Bakersfield	Meadows Field	8/1393	RNAV (GPS) Rwy 12L, Orig.
6/10/08	NC	Albemarle	Stanly County	8/1395	NDB or GPS Rwy 22L, Orig-E.
6/10/08	CO	Grand Junction	Grand Junction Rgnl	8/1417	RNAV (GPS) Rwy 11, Orig.
6/10/08	PA	Latrobe	Arnold Palmer Regional	8/1419	RNAV (GPS) Rwy 5, Orig.

FDC date	State	City	Airport	FDC No.	Subject
6/10/08	PA	Latrobe	Arnold Palmer Regional	8/1420	ILS or LOC Rwy 23, Amdt 16.
6/10/08	PA	Latrobe	Arnold Palmer Regional	8/1421	RNAV (GPS) Rwy 23, Orig.
6/10/08	IN	Elkhart	Elkhart Muni	8/1526	ILS or LOC Rwy 27, Amdt 2A.
6/10/08	SC	Charleston	Charleston Executive	8/1597	ILS or LOC Rwy 9, Amdt 1.
6/10/08	TN	Fayetteville	Fayetteville Muni	8/1598	NDB Rwy 20, Amdt 4A.
6/10/08	TN	Fayetteville	Fayetteville Muni	8/1601	GPS Rwy 2, Orig-A.
6/11/08	VT	Morrisville	Morrisville-Stowe State	8/1740	NDB or GPS-B, Amdt 1B.
6/11/08	VT	Burlington	Burlington Intl	8/1797	ILS or LOC/DME Rwy 15, Amdt 23A.
6/11/08	MA	Beverly	Beverly Muni	8/1809	Takeoff Minimums and Obstacle DP, Amdt 2A.
6/11/08	AZ	St Johns	St Johns Industrial Air Park	8/1975	Takeoff Minimums and Obstacle DP, Amdt 1A.
6/9/08	TX	Dallas-Ft Worth	Dallas-Fort Worth Intl	8/8879	ILS or LOC Rwy 17L, Amdt 5, ILS Rwy 17L (CAT II) Amdt 5, ILS Rwy 17L (CAT III) Amdt 5.
5/31/08	TX	Dallas-Ft Worth	Dallas-Fort Worth Intl	8/8880	Converging ILS Rwy 35C, Amdt 1.
5/31/08	TX	Dallas-Ft Worth	Dallas-Fort Worth Intl	8/8881	Converging ILS Rwy 31R, Amdt 7.
5/31/08	KY	Ashland	Ashland Rgnl	8/9016	SDF Rwy 10, Amdt 6A.
5/31/08	KY	Ashland	Ashland Rgnl	8/9018	VOR or GPS Rwy 10, Amdt 10A.
5/31/08	ME	Portland	Portland Intl Jetport	8/9031	RNAV (GPS) Rwy 11, Amdt 2A.
5/31/08	IN	Terre Haute	Terre Haute Intl-Hulman Field	8/9042	VOR/DME Rwy 5, Amdt 17B.
5/31/08	IN	Terre Haute	Terre Haute Intl-Hulman Field	8/9043	ILS or LOC Rwy 5, Amdt 22D.
5/31/08	IN	Terre Haute	Terre Haute Intl-Hulman Field	8/9044	RNAV (GPS) Rwy 32, Orig.
5/31/08	IN	Terre Haute	Terre Haute Intl-Hulman Field	8/9045	VOR Rwy 23, Amdt 20.
5/31/08	CA	La Verne	Brackett Field	8/9062	VOR or GPS-A, Amdt 5B.
5/31/08	MT	Great Falls	Great Falls Intl	8/9063	NDB Rwy 34, Amdt 16A.
5/31/08	MT	Great Falls	Great Falls Intl	8/9064	VOR Rwy 21, Amdt 9A.
5/31/08	MT	Great Falls	Great Falls Intl	8/9066	GPR Rwy 21, Orig.
5/31/08	NV	Las Vegas	North Las Vegas	8/9072	GPS Rwy 30L, Orig-A.
5/31/08	NV	Las Vegas	North Las Vegas	8/9073	GPS Rwy 12R, Orig-C.
5/31/08	NV	Las Vegas	North Las Vegas	8/9076	ILS or LOC Rwy 12L, Orig-A.
5/31/08	IN	Richmond	Richmond Muni	8/9127	VOR or GPS Rwy 6, Amdt 11A.
5/31/08	IA	Harlan	Harlan Muni	8/9134	GPS Rwy 33, Orig.
5/31/08	IL	Alton/St Louis	St Louis Rgnl	8/9181	RNAV (GPS) Rwy 29, Orig.
5/31/08	NV	Las Vegas	North Las Vegas	8/9213	ILS or LOC Rwy 12L, Orig-A.
5/31/08	TX	Devine	Devine Muni	8/9232	NDB or GPS Rwy 35, Amdt 2A.
5/31/08	KS	Junction City	Freeman Field	8/9325	RNAV (GPS) Rwy 36, Orig-A.
5/31/08	NM	Hobbs	Lea County Rgnl	8/9424	RNAV (GPS) Rwy 21, Orig.
5/31/08	MI	Saginaw	Saginaw County H.W. Browne	8/9533	RNAV (GPS) Rwy 9, Orig.
5/31/08	MI	Saginaw	Saginaw County H.W. Browne	8/9534	ILS or LOC/DME Rwy 27, Orig.

FDC date	State	City	Airport	FDC No.	Subject
5/31/08	MI	Saginaw	Saginaw County H.W. Browne	8/9535	RNAV (GPS) Rwy 27, Amdt 1.
5/31/08	AR	Flippin	Marion County Regional	8/9604	VOR or GPS A, Amdt 13.
5/31/08	AR	Flippin	Marion County Regional	8/9605	VOR/DME RNAV or GPS Rwy 22, Orig.
5/31/08	TX	Madisonville	Madisonville Muni	8/9636	RNAV (GPS) Rwy 18, Orig.
5/31/08	CO	Denver	Denver Intl	8/9666	ILS or LOC Rwy 8, Amdt 4.
5/31/08	CO	Denver	Denver Intl	8/9667	ILS or LOC Rwy 17L, Amdt 3.
5/31/08	NY	Albany	Albany Intl	8/9706	RNAV (GPS) Rwy 19, Orig.
5/31/08	NY	Albany	Albany Intl	8/9709	ILS or LOC Rwy 19, Amdt 22.
5/31/08	NY	Albany	Albany Intl	8/9712	ILS or LOC Rwy 1, Amdt 10A.
5/31/08	NY	Albany	Albany Intl	8/9715	ILS or LOC Rwy 19, Amdt 22.
5/31/08	NY	Albany	Albany Intl	8/9716	RNAV (GPS) Rwy 19, Orig.
6/2/08	MO	Fort Leonard Wood	Waynesville Rgnl Arpt at Forney Field	8/9804	NDB/DME Rwy 14, Amdt 1A.
6/2/08	VA	Manassas	Manassas Rgnl/Harry P Davis Fld	8/9887	RNAV (GPS) Rwy 16R, Orig.
6/2/08	VA	Manassas	Manassas Rgnl/Harry P Davis Fld	8/9888	RNAV (GPS) Rwy 16L, Orig-A.
6/2/08	VA	Manassas	Manassas Rgnl/Harry P Davis Fld	8/9889	ILS Rwy 16L, Amdt 4B.
6/2/08	NY	Johnstown	Fulton County	8/9918	NDB Rwy 28, Amdt 1.
6/2/08	NY	Johnstown	Fulton County	8/9921	NDB Rwy 10, Amdt 1.

[FR Doc. E8-14162 Filed 6-25-08; 8:45 am]  
BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-0492]

RIN 1625-AA00

#### Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone at Fred C. Young Bridge, Ottawa River, Toledo, Ohio. This zone is intended to restrict vessels from a portion of Ottawa River during the Washington Township Summerfest fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

**DATES:** This rule is effective from 9:30 p.m. until 10:30 p.m. on June 28, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the

docket, are parts of docket [USCG-2008-0492] and are available online at <http://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 the U.S. Coast Guard Marine Safety Unit Toledo, 420 Madison Ave., Suite 700, Toledo, Ohio 43604 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Lieutenant Jay Michalczak, Chief of Port Operations, Marine Safety Unit, 420 Madison Ave., Suite 700, Toledo, Ohio 43604; (419) 418-6050. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

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

application was not received in time to publish an NPRM followed by a final rule before the effective date.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event, and immediate action is necessary to prevent possible loss of life and property.

#### Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on accidents that have occurred in other Captain of the Port zones and the explosive hazards of fireworks, the Captain of the Port Detroit has determined fireworks launches in close proximity to watercraft pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the launch

platform will help ensure the safety of persons and property at these events and help minimize the associated risks.

#### Discussion of Rule

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading, and launching of a fireworks display in conjunction with the Washington Township Summerfest fireworks display. The fireworks display will occur between 9:30 p.m. and 10:30 p.m., June 28, 2008.

The safety zone for the June 28, 2008 fireworks will encompass all waters of Ottawa River within a six hundred foot radius of the fireworks launch location at the Fred C. Young Bridge, Toledo, OH (41°43'29" N, 083°28'47" W). All geographic coordinates are North American Datum of 1983 (NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on scene representative. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

#### Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the minimal time that vessels will be restricted from the zone and the 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 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 and operators of vessels intending to transit or anchor in a portion of Ottawa River near the Fred C. Young Bridge (41°43'29" N, 083°28'47" W) between 9:30 p.m. and 10:30 p.m. on June 28, 2008.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only 1 hour. Vessel traffic can pass safely around the safety zone. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Detroit 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.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could 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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

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

#### Civil Justice Reform

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

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and 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 special local regulations and fishing rights protection need not be incompatible. We have also determined that 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. 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 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.ID 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. This event establishes a safety zone, therefore paragraph (34)(g) of the Instruction applies.

A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" is 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 amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. A new temporary § 165.T09-0492 is added as follows:

#### § 165.T09-0492 Safety zone; Washington Township Fireworks, Ottawa River, Toledo, OH.

(a) *Location.* The following area is a temporary safety zone: All waters of Ottawa River within a six hundred foot radius of the fireworks launch area at the Fred C. Young Bridge, Toledo, OH (41°43'29" N, 083°28'47" W) (NAD 83).

(b) *Effective period.* This regulation is effective from 9:30 p.m. until 10:30 p.m., June 28, 2008.

(c) *Regulations.* (1) 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 Detroit, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

(3) 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. 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 designated on scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit 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 or his on-scene representative.

Dated: June 11, 2008.

**P.W. Brennan,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. E8-14349 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-0270]

RIN 1625-AA00

#### Safety Zone; Main Street Oceanside, Fireworks Display; Oceanside, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of Oceanside Harbor in support of the Main Street Oceanside fireworks display. The safety zone is necessary to provide for the safety of the spectators, participants of the event, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 8:30 p.m. until 10 p.m. on July 4, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0270 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying in 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 at Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101-1064 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Petty Officer Kristen Beer, Waterways Management, U.S. Coast Guard Sector San Diego, CA at telephone (619) 278-7233.

#### 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. Final approval and permitting of this event were not issued in time to engage in full notice and comment rulemaking. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. In addition, it would be contrary to the public interest not to publish this rule because the event has been permitted and participants and the public require protection.

### Background and Purpose

The Coast Guard is establishing a temporary safety zone on the navigable waters of Oceanside in support of the Main Street Oceanside, Fireworks Display. This temporary safety zone is necessary to provide for the safety of the show's crew, spectators, and participants of the event, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

### Discussion of Rule

The Coast Guard establishes this temporary rule, pursuant to 33 U.S.C. 1225, to provide for the safety of the participants, spectators and other users of the waterways. This safety zone will be enforced from 8:30 p.m. until 10 p.m. on July 04, 2008. The safety zone is necessary to ensure the safety of participants and spectators of the Main Street Oceanside, Fireworks Display. The duration of the show is expected to be approximately 15–20 minutes.

The limits of this temporary safety zone are set at an 800 foot radius around the anchored barge. The anchoring location is 900 feet from southern part of Oceanside pier.

This temporary safety zone is necessary to provide for the safety of the crews, spectators, participants of the event, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

U.S. Coast Guard personnel will enforce this safety zone. Other Federal, State, or local agencies may assist the Coast Guard, including the Coast Guard

Auxiliary. Section 165.23 of Title 33, Code of Federal Regulations, prohibits any unauthorized person or vessel from entering or remaining in a safety zone. Vessels or persons violating this section will be subject to the penalties set forth in 33 U.S.C. 1232.

### 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.

Due to the temporary safety zone's short duration of one and a half hours, its limited scope of implementation, and because vessels will have an opportunity to request authorization to transit through the zone or the vessels may safely travel around the zone, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of the DHS is unnecessary.

### 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 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 Oceanside from 8:30 p.m. to 10 p.m. on July 4, 2008.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone only encompasses a small portion of the waterway, it is short in duration at a late hour when commercial traffic is low, vessels may safely travel around the safety zone, and the Captain of the Port may authorize entry into the zone, if necessary.

### 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. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Petty Officer Kristen Beer, U.S. Coast Guard Sector San Diego at (619) 278–7233.

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.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded, under the Instruction, 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 because it establishes a safety zone.

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

### List of Subjects in 33 CFR Part 165

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

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

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

**Authority:** 33 U.S.C. 1225, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–043 to read as follows:

#### § 165.T11–043 Safety Zone: Main Street Oceanside, Fireworks Display; Oceanside, CA.

(a) *Location.* The limits of the temporary safety zone are set at an 800 foot radius around the anchored barge. The anchoring location is 900 feet from the southern part of Oceanside pier.

(b) *Effective Period.* This safety zone will be in effect from 8:30 p.m. until the end of the fireworks show on July 04,

2007. The event is scheduled to conclude no later than 10 p.m. However, if the display concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative. Mariners requesting permission to transit through the safety zone may request authorization to do so from the U.S. Coast Guard Patrol Commander. The U.S. Coast Guard Patrol Commander may be contacted via VHF–FM Channel 16.

(d) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel can be comprised of commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: June 10, 2008.

**C.V. Strangfeld,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. E8–14509 Filed 6–25–08; 8:45 am]

**BILLING CODE 4910–15–P**

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2008–0093]

RIN 1625–AA00

#### Safety Zone; Red Bull Flugtag, Seddon Channel Turning Basin, Tampa, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Seddon Channel Turning Basin, Tampa, Florida. This temporary safety zone is intended to restrict non participant vessels from entering the waters in the vicinity of the Flugtag

event ramp unless specifically authorized by the Captain of the Port St. Petersburg or a designated representative. This rule is necessary to protect participants and spectators from the hazards associated with the launching of human powered flying craft over the navigable waters of the United States.

**DATES:** This rule is effective from 9 a.m. until 5 p.m. on July 19, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0093 and are available online at <http://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 the Coast Guard Sector St. Petersburg, Prevention Department between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** BM1 Charles Voss at Coast Guard Sector St. Petersburg, (813) 228-2191 Ext 8307.

#### **SUPPLEMENTARY INFORMATION:**

#### **Regulatory Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because information regarding the event was not provided with sufficient time to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public during the Red Bull Flugtag event.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction.

#### **Background and Purpose**

Red Bull Corp. is sponsoring a Flugtag Event on July 19 from the Seddon Channel turning basin. The Flugtag is an event where participants build and then launch homemade human powered flying crafts, from a ramp that is 100-feet long and 30-feet high. The event is scheduled to commence at approximately 11 a.m. local and end at approximately 4 p.m. local. This rule is needed to protect participant and spectator craft in the vicinity of the event from the hazards associated with the launching of human powered flying craft.

#### **Discussion of Rule**

The safety zone encompasses the following: All waters from surface to bottom, within the Seddon Channel Turning Basin. The exact location of the ramp and accompanying barges, which is needed to determine the exact location of the safety zone, is not yet known. However, once the final plans are set, the Coast Guard will publish the exact location of the safety zone in the District Seven Local Notice to Mariners. The safety zone will be 250-ft wide and extend out 300-ft. from the end of the ramp. Vessels are prohibited from anchoring, mooring, or transiting within this safety zone, unless authorized by the Captain of the Port St. Petersburg or a designated representative. The safety zone will be effective from 9 a.m. through 5 p.m. on July 19, 2008. Enforcement of the safety zone will commence approximately two hours prior to the event and will conclude approximately one hour after the completion of the event. The two-hour period prior to the event will enable the Coast Guard and/or local law enforcement vessels to conduct a sweep of the zone to ensure that it is clear and to position spectators in the proper locations. An additional 60-minute period has been added at the end of the event for possible delays.

#### **Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

#### **Regulatory Planning and Review**

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

Budget has not reviewed it under that Order.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. The rule will only be in effect for a short period of time. Moreover, two transit lanes have been established that will remain clear, to allow the unobstructed transit of vessels through the area.

#### **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 the Seddon Channel turning basin in Tampa, Florida. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be effective for a limited time; and traffic will be allowed to transit through the area in the designated transit lanes.

#### **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 could 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.ID and Department of Homeland Security Management Directive 5100.1, 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 under the Instruction, 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 checklist and a final categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

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

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

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. A new temporary § 165.T08–0093 is added to read as follows:

#### § 165.T08–0093 Safety Zone; Redbull Flugtag, Seddon Channel turning basin, Tampa, Florida.

(a) *Regulated area.* The Coast Guard is establishing a temporary safety zone on the waters of Seddon Channel turning basin, Tampa, FL. The safety zone will be 250-ft wide and extend out 300-ft from the end of the launch ramp. The exact location of the ramp is not yet known, however the Coast Guard will publish the location in the District Seven Local Notice to Mariners. The zone will be marked on the effective date.

(b) *Definitions.* The following definition applies to this section:

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

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, no person or vessel may anchor, moor, or transit the Regulated Area without permission of the Captain of the Port St. Petersburg, Florida, or a designated representative. The Coast Guard will publish the safety zone in the Local Notice to Mariners and will issue a broadcast notice to mariners to advise mariners of the restriction.

(d) *Dates.* This rule is in effect from 9 a.m. until 5 p.m. on July 19, 2008.

Dated: June 11, 2008.

**J.A. Servidio,**

*Captain, U.S. Coast Guard, Captain of the Port, St. Petersburg, Florida.*

[FR Doc. E8–14506 Filed 6–25–08; 8:45 am]

**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 745**

[EPA-HQ-OPPT-2005-0049; FRL-8368-9]

RIN 2070-AC83

**Small Entity Compliance Guide to Renovate Right: EPA's Lead-Based Paint Renovation, Repair, and Painting Program; Notice of Availability****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability.

**SUMMARY:** EPA is issuing a notice of availability of its *Small Entity Compliance Guide to Renovate Right: EPA's Lead-Based Paint Renovation, Repair, and Painting Program* (hereinafter referred to as the "small entity compliance guide"). This small entity compliance guide is for contractors, painters, property managers, maintenance personnel, and other professionals that disturb painted surfaces while working in homes and child-occupied facilities, such as child care centers and schools, built before 1978. The small entity compliance guide was developed by EPA to help small entities comply with the new Lead-Based Paint Renovation, Repair, and Painting Program requirements published in the April 22, 2008 **Federal Register**. This document is published by the EPA as the official compliance guide for small entities, pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), as amended.

**FOR FURTHER INFORMATION CONTACT:** *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

*For technical information contact:* Mike Wilson, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-0521; e-mail address: [wilson.mike@epa.gov](mailto:wilson.mike@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information****A. Does this Action Apply to Me?**

You may be potentially affected by this action if you perform renovations of

target housing or child-occupied facilities for compensation. "Target housing" is defined in section 401 of the Toxic Substances Control Act (TSCA) as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child under age 6 resides or is expected to reside in such housing) or any 0-bedroom dwelling. "Child-occupied facility" is defined by the Lead-Based Paint Renovation, Repair, and Painting Program as a building or a portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least 2 different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may be located in public or commercial buildings or in target housing. The definition of child-occupied facilities also includes common areas routinely used by children under age 6 and portions of the exterior that are immediately adjacent to the child-occupied facility or covered common area. Potentially affected entities may include, but are not limited to:

- Building construction (NAICS code 236), e.g., single family housing construction, multi-family housing construction, residential remodelers.
- Specialty trade contractors (NAICS code 238), e.g., plumbing, heating, and air-conditioning contractors, painting and wall covering contractors, electrical contractors, finish carpentry contractors, drywall and insulation contractors, siding contractors, tile and terrazzo contractors, glass and glazing contractors.
- Real estate (NAICS code 531), e.g., lessors of residential buildings and dwellings, residential property managers.
- Child day care services (NAICS code 624410).
- Elementary and secondary schools (NAICS code 611110), e.g., elementary schools with kindergarten classrooms.
- Other technical and trade schools (NAICS code 611519), e.g., training providers.
- Engineering services (NAICS code 541330) and building inspection services (NAICS code 541350), e.g., dust sampling technicians.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System

(NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in the Lead; Renovation, Repair, and Painting Program final rule (40 CFR part 745, subpart E). If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**B. How Can I Get Copies of the Compliance Guide and Other Related Information?**

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2005-0049. All documents in the docket are listed in the docket's index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

3. *Small entity compliance guide.* The small entity compliance guide is available on EPA's website at <http://www.epa.gov/lead/pubs/renovation> and may be reproduced by an individual or corporation without permission from EPA.

## II. Background

In the **Federal Register** of April 22, 2008 (73 FR 21692) (FRL-8355-7), EPA issued the Lead; Renovation, Repair, and Painting Program final rule (40 CFR part 745, subpart E) that applies to renovations performed for compensation in target housing and child-occupied facilities built before 1978 by requiring, among other things:

- Training for renovators.
- Certification of renovators and firms.
- Accreditation of training providers.
- Use of renovation work practice standards, such as posting warning signs; containing work areas so that no dust or debris leaves the work area while the renovation is being performed; prohibiting certain high dust-generating work practices; and a cleanup and cleaning verification protocol.

The final rule is effective June 23, 2008. However, certain provisions of the final rule, such as requiring the use of the work practices, do not become effective until April 22, 2010.

EPA examined the economic implications of that final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601-602). The Agency concluded that a substantial number of small entities will be affected by the final rule.

Pursuant to section 212 of SBREFA (Public Law 104-121, as amended), EPA is making available a small entity compliance guide, summarizing in plain language the requirements of the final rule.

The small entity compliance guide represents the Agency's current thinking on the subject. It does not create or confer any rights for or on any person and does not operate to bind EPA or the public.

### List of Subjects in 40 CFR Part 745

Environmental protection, Child-occupied facility, Housing renovation, Lead, Lead-based paint, Renovation, Reporting and recordkeeping requirements.

Dated: June 20, 2008.

**James B. Gulliford,**

*Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. E8-14507 Filed 6-25-08; 8:45 am]

**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 07-148; FCC 08-153]

### DTV Consumer Education Initiative

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission revised the location for filing Form 388, DTV Quarterly Activity Station Report. In the *DTV Consumer Education Order* the Commission sought to ensure widespread consumer understanding of the benefits and mechanics of the transition by promoting a coordinated, national DTV consumer education campaign. One facet of this campaign was the establishment of a requirement that broadcasters provide on-air information to their viewers about the DTV transition, by compliance with one of three alternative sets of rules, and report those efforts to the Commission and the public.

**DATES:** Effective June 26, 2008.

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

**FOR FURTHER INFORMATION CONTACT:** For additional information, please contact Lyle Elder, [Lyle.Elder@fcc.gov](mailto:Lyle.Elder@fcc.gov), 202-418-2120, or Eloise Gore, [Eloise.Gore@fcc.gov](mailto:Eloise.Gore@fcc.gov), 202-418-7200.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in MB Docket No. 07-148, FCC 08-153, adopted June 12, 2008 and released June 16, 2008. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. These documents will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

## Summary of the Order

### I. Background

1. In this Order, we revise the location for filing Form 388, DTV Quarterly Activity Station Report. In the *DTV Consumer Education Order*, 73 FR 15431 (March 24, 2008), the Commission sought to ensure widespread consumer understanding of the benefits and mechanics of the transition by promoting a coordinated, national DTV consumer education campaign. One facet of this campaign was the establishment of a requirement that broadcasters provide on-air information to their viewers about the DTV transition, by compliance with one of three alternative sets of rules, and report those efforts to the Commission and the public. In particular, we required that the efforts be recorded on Form 388 and filed with the Commission via the Electronic Comment Filing System (ECFS).

### II. Discussion

2. The first filing under these rules was due on April 10, 2008. Based on broadcaster and Commission experience with that filing, we find that the Consolidated DataBase System (CDBS) is a better database in which to file these forms. CDBS is more commonly used by broadcasters to file forms of this nature, and the electronic filing format simplifies both data entry by filers and review by the Commission. Therefore, in order to facilitate the reporting and review of broadcaster education efforts, this *Order* makes a procedural change to the consumer education rules and the instructions to Form 388. Beginning with the reports covering the second quarter of 2008, due July 10, 2008, Form 388 must be filed in CDBS, instead of ECFS. The change in the filing database creates no additional burden on broadcasters and all other requirements remain the same.

### III. Procedural Matters

#### A. Paperwork Reduction Act Analysis

3. This Order was analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and does not contain a substantive or material modification to an information collection. Therefore, it does not require resubmission to the Office of Management and Budget. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees."

#### B. Additional Information

4. For more information on this *Report and Order*, please contact Lyle

Elder, *Lyle.Elder@fcc.gov* of the Media Bureau, Policy Division, 202-418-2120, or Eloise Gore, *Eloise.Gore@fcc.gov* of the Media Bureau, 202-418-7200.

#### IV. Ordering Clause

*It is ordered* that, pursuant to the authority contained in sections 1, 4, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, and 303, this Order *is adopted* and the Commission's rules and Form 388 *are hereby amended* as set forth in Appendices A and B, respectively. The non-substantive revisions to the rules in this Order will be effective June 25, 2008.

#### List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

#### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336, and 339.

■ 2. Section 73.3526 is amended by revising paragraph (e)(ii)(iv) to read as follows:

##### § 73.3526 Local public inspection file of commercial stations.

\* \* \* \* \*

(e) *Contents of the file.*

\* \* \* \* \*

(11)(iv) *DTV Transition Education Reports.* For full-power commercial TV broadcast stations, both analog and digital, on a quarterly basis, a completed Form 388, DTV Consumer Education Quarterly Activity Report. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. By this date, a copy of the Report for each quarter must be filed electronically using the Commission's Consolidated DataBase System (CDBS). Stations electing to conform to the requirements of § 73.674(b) must also provide the form on the station's public Web site, if such exists. The Report shall be separated from other materials in the public inspection file. The first Report, covering the first quarter of 2008, must be filed no later than April 10, 2008. The Reports must continue to be

included up to and including the quarter in which a station concludes its education campaign. These Reports shall be retained in the public inspection file for one year. Licensees and permittees shall publicize in an appropriate manner the existence and location of these Reports.

\* \* \* \* \*

■ 3. Section 73.3527 is amended by revising paragraph (e)(13) to read as follows:

##### § 73.3527 Local public inspection file of noncommercial educational stations.

\* \* \* \* \*

(e) *Contents of the file.*

\* \* \* \* \*

(13) *DTV Transition Education Reports.* For full-power noncommercial educational TV broadcast stations, both analog and digital, on a quarterly basis, a completed Form 388, DTV Consumer Education Quarterly Activity Report. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. By this date, a copy of the Report for each quarter must be filed electronically using the Commission's Consolidated DataBase System (CDBS). Stations electing to conform to the requirements of § 73.674(b) must also provide the form on the station's public Web site, if such exists. The Report shall be separated from other materials in the public inspection file. The first Report, covering the first quarter of 2008, must be filed no later than April 10, 2008. The Reports must continue to be included up to and including the quarter in which a station concludes its education campaign. These Reports shall be retained in the public inspection file for one year. Licensees and permittees shall publicize in an appropriate manner the existence and location of these Reports.

\* \* \* \* \*

[FR Doc. E8-14538 Filed 6-25-08; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 071106673-8011-02]

RIN 0648-X164

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by American Fisheries Act (AFA) trawl catcher processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2008 Pacific cod total allowable catch (TAC) specified for AFA trawl catcher processors in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), June 23, 2008, though 1200 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 BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2008 Pacific cod TAC allocated to AFA trawl catcher processors in the BSAI is 3,506 metric tons (mt) as established by the 2008 and 2009 final harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2008 Pacific cod TAC allocated to AFA catcher processors in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt, and is setting

aside the remaining 3,506 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by AFA trawl catcher processors in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA,

(AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by AFA trawl catcher processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 20, 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 is exempt from review under Executive Order 12866.

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

Dated: June 23, 2008.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 08-1390 Filed 6-23-08; 2:54 pm]

**BILLING CODE 3510-22-S**

# Proposed Rules

Federal Register

Vol. 73, No. 124

Thursday, June 26, 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 TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0356; Directorate Identifier 2008-NM-042-AD]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** The FAA is revising an earlier NPRM for an airworthiness directive (AD) that applies to certain Bombardier Model DHC-8-400 series airplanes. The original NPRM would have superseded an existing AD that currently requires inspecting all barrel nuts to determine if the barrel nuts have a certain marking, inspecting affected bolts to determine if the bolts are pre-loaded correctly, and replacing all hardware if the pre-load is incorrect. For airplanes on which the pre-load is correct, the existing AD requires doing repetitive visual inspections for cracking of the barrel nuts and cradles and replacing all hardware for all cracked barrel nuts. The existing AD also requires replacement of all hardware for certain affected barrel nuts that do not have cracking, which would end the repetitive inspections for those airplanes. The existing AD also provides an optional replacement for all affected barrel nuts. The original NPRM proposed to require replacement of all affected barrel nuts. The original NPRM resulted from reports of cracking in the barrel nuts at the four primary front spar wing-to-fuselage attachment joints. This new action revises the original NPRM by adding, for certain airplanes, application of a certain compound to the affected barrel nuts and bolts. We are proposing this supplemental NPRM

to detect and correct cracking of the barrel nuts at the wing front spar wing-to-fuselage joints, which could result in reduced structural integrity of the wing-to-fuselage attachments and consequent detachment of the wing.

**DATES:** We must receive comments on this supplemental NPRM by July 21, 2008.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada.

#### Examining the AD Docket

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

#### FOR FURTHER INFORMATION CONTACT:

Pong Lee, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7324; fax (516) 794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the

**ADDRESSES** section. Include "Docket No. FAA-2008-0356; Directorate Identifier 2008-NM-042-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

#### Discussion

The FAA issued a notice of proposed rulemaking (NPRM) (the "original NPRM") to amend 14 CFR part 39 to include an AD that supersedes AD 2008-04-02, amendment 39-15374 (73 FR 8187, February 13, 2008). The existing AD applies to certain Bombardier Model DHC-8-400 series airplanes. The original NPRM was published in the **Federal Register** on March 25, 2008 (73 FR 15682). The original NPRM proposed to retain the requirements of the existing AD and proposed to require replacement of all affected barrel nuts.

#### Relevant Service Information

Bombardier has issued Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008 (we referred to Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008, as the appropriate source of service information for doing the actions specified in the original NPRM). Revision B of the service bulletin contains the same actions as Revision A, except Revision B adds procedures to apply F13, Type 2 compound to the affected bolts and barrel nuts. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

We have determined that for airplanes on which the affected bolts were replaced in accordance with Bombardier Alert Service Bulletin A84-57-19, dated February 1, 2008; or Revision A, dated February 6, 2008; operators must apply F13, Type 2 compound to the affected bolts and barrel nuts. We have added paragraph (l) to the supplemental NPRM

to propose to require application of the compound for these airplanes. We have coordinated this action with Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada. TCCA issued Canadian airworthiness directive CF-2008-11R1, dated May 9, 2008, to ensure the continued airworthiness of these airplanes in Canada.

We have also revised paragraphs (f), (f)(2), (g)(1)(ii), (g)(1)(iii), (g)(2)(ii), (g)(2)(iii), (g)(3)(ii), (g)(3)(iii), (g)(4), (g)(5), and (k) of the supplemental NPRM to refer to Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, as an appropriate source of service information for accomplishing the required actions.

#### FAA's Determination and Proposed Requirements of the Supplemental NPRM

The changes discussed above expand the scope of the original NPRM; therefore, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment on this supplemental NPRM.

#### Costs of Compliance

This proposed AD would affect about 48 airplanes of U.S. registry.

The actions that are required by AD 2008-04-02 and retained in this proposed AD take about 3 work hours per airplane, at an average labor rate of \$80 per work hour. Based on these figures, the estimated cost of the currently required actions is \$11,520, or \$240 per airplane, per inspection cycle.

Replacement of the hardware of a barrel nut, if required, will take about 12 work hours per airplane, at an average labor rate of \$80 per work hour. Required parts will cost about \$800 per airplane. Based on these figures, we estimate the cost of a replacement to be \$1,760 per barrel nut.

Application of the compound, if required, will take about 4 work hours per airplane, at an average labor rate of \$80 per work hour. Based on these figures, we estimate the cost of a replacement to be \$320 per application.

#### Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this supplemental NPRM and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

##### § 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39-15374 (73 FR 8187, February 13, 2008) and adding the following new airworthiness directive (AD):

**Bombardier, Inc. (Formerly de Havilland, Inc.):** Docket No. FAA-2008-0356; Directorate Identifier 2008-NM-042-AD.

#### Comments Due Date

(a) The FAA must receive comments on this AD action by July 21, 2008.

#### Affected ADs

(b) This AD supersedes AD 2008-04-02.

#### Applicability

(c) This AD applies to Bombardier Model DHC-8-400, DHC-8-401, and DHC-8-402 airplanes, certificated in any category; serial numbers 4001 and 4003 through 4176 inclusive.

#### Unsafe Condition

(d) This AD results from reports of cracking in the barrel nuts at the four primary front spar wing-to-fuselage attachment joints. We are issuing this AD to detect and correct cracking of the barrel nuts at the wing front spar wing-to-fuselage joints, which could result in reduced structural integrity of the wing-to-fuselage attachments and consequent detachment of the wing.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Restatement of Requirements of AD 2008-04-02 With New Service Information

##### Inspections and Corrective Actions

(f) Within 50 flight hours after February 13, 2008 (the effective date of AD 2008-04-02), inspect all barrel nuts, part number DSC228-16, to determine if the barrel nuts are identified with a marking of LH7940T SPS 01. Inspect in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

(1) If no barrel nuts are identified with a marking of LH7940T SPS 01, no further actions are required by this paragraph.

(2) If any barrel nut is found that is identified with a marking of LH7940T SPS 01, before further flight, inspect the inboard and outboard bolts to determine if the bolts are pre-loaded correctly. Inspect in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

(i) If the pre-load is incorrect (i.e., the ring can be rotated), before further flight, replace all hardware at that location in accordance with the Accomplishment Instructions of the alert service bulletin.

(ii) If the pre-load is correct, before further flight, do a visual inspection for cracking of the barrel nuts and cradles in accordance with the Accomplishment Instructions of the alert service bulletin.

(A) If no cracking of the barrel nut and cradle is found, do the applicable action required by paragraph (g) of this AD.

(B) If no cracking of the barrel nut is found and only cracking of the cradle is found, no action is required by this paragraph provided that the applicable corrective action specified in paragraph (g) of this AD is done.

(C) If any cracking of the barrel nut is found, before next flight, replace all hardware only at that location in accordance with the Accomplishment Instructions of the alert service bulletin.

(g) For any barrel nuts on which no cracking of the barrel nut was found during the inspection required by paragraph (f)(2)(ii) of this AD, do the applicable corrective action specified in paragraph (g)(1), (g)(2), (g)(3), (g)(4), or (g)(5) of this AD at the compliance time specified in the applicable paragraph.

(1) If four barrel nuts having no cracking are found, do the actions specified in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD.

(i) Within 50 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 50 flight hours until the replacement specified in paragraph (g)(1)(ii) of this AD is done.

(ii) Within 100 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, replace all hardware at the left-hand outboard location and the right-hand outboard location in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used. Replacing the barrel nuts on the outboard locations terminates the requirement to do the repetitive inspections specified in paragraph (g)(1)(i) of this AD.

(iii) Within 100 flight hours after doing the replacement required by paragraph (g)(1)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD for the remaining barrel nuts identified with a marking of LH7940T SPS 01. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours until the replacement of all hardware at those locations is done. Do the inspection and replacement in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

(2) If three barrel nuts having no cracking are found, do the actions specified in paragraphs (g)(2)(i), (g)(2)(ii), and (g)(2)(iii) of this AD.

(i) Within 50 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 50 flight hours until the replacement specified in paragraph (g)(2)(ii) of this AD is done.

(ii) Within 100 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, replace all hardware for one affected barrel nut at the outboard location, on the

side with two affected barrel nuts, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used. Replacing the barrel nut on the outboard location terminates the requirement to do the repetitive inspections specified in paragraph (g)(2)(i) of this AD.

(iii) Within 100 flight hours after doing the replacement required by paragraph (g)(2)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD for the remaining barrel nuts identified with a marking of LH7940T SPS 01. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours until the replacement of all hardware at those locations is done. Do the inspection and replacement in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

(3) If two barrel nuts having no cracking are found and both nuts are on the same side, do the actions specified in paragraphs (g)(3)(i), (g)(3)(ii), and (g)(3)(iii) of this AD.

(i) Within 100 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours until the replacement specified in paragraph (g)(3)(ii) of this AD is done.

(ii) Within 500 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, replace all hardware for one affected barrel nut at the outboard location that has two affected barrel nuts in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

Replacing the barrel nut on the outboard location terminates the requirement to do the repetitive inspections specified in paragraph (g)(3)(i) of this AD.

(iii) Within 100 flight hours after doing the replacement required by paragraph (g)(3)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD for the remaining barrel nut identified with a marking of LH7940T SPS 01. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours until the replacement of all hardware at that location is done. Do the inspection and replacement in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

(4) If two barrel nuts having no cracking are found and are on opposite sides, within 100 flight hours after doing the inspection

required by paragraph (f)(2)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours until the replacement of all hardware at those locations is done. Do the inspection and replacement in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

(5) If one barrel nut having no cracking is found, within 100 flight hours after doing the inspection required by paragraph (f)(2)(ii) of this AD, repeat the inspection specified in paragraph (f)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours until the replacement of all hardware at that location is done. Do the inspection and replacement in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision A, dated February 6, 2008; or Revision B, dated March 6, 2008. As of the effective date of this AD, Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008, must be used.

#### **Actions Accomplished According to Previous Issue of Alert Service Bulletin**

(h) Actions accomplished before February 13, 2008, in accordance with Bombardier Alert Service Bulletin A84-57-19, dated February 1, 2008, are acceptable for compliance with the corresponding actions specified in this AD.

#### **Actions Accomplished According to Bombardier Alert Service Bulletin A84-57-18**

(i) For airplanes on which the actions specified in Bombardier Alert Service Bulletin A84-57-18, dated January 16, 2008, were accomplished before February 13, 2008, and on which no barrel nuts were found that were identified with a marking of LH7940T SPS 01: No further action is required by this AD.

#### **Parts Installation**

(j) As of February 13, 2008, no person may install a barrel nut, part number DSC228-16, identified with a marking of LH7940T SPS 01, on any airplane.

#### **New Requirement of This AD**

##### **Replacement of All Affected Barrel Nuts**

(k) For airplanes on which barrel nuts are inspected in accordance with paragraph (g)(1)(iii), (g)(2)(iii), (g)(3)(iii), (g)(4), or (g)(5) of this AD: Within 3,000 flight hours after the effective date of this AD, replace all hardware for all remaining barrel nuts, part number DSC228-16, identified with a marking of LH7940T SPS 01. Do the replacement in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008. Replacement of all hardware for all affected barrel nuts constitutes terminating action for the repetitive inspections of this AD.

(l) For airplanes on which hardware for the barrel nut was replaced in accordance with

Bombardier Alert Service Bulletin A84-57-19, dated February 1, 2008; or Revision A, dated February 6, 2008: Within 3,000 flight hours after the effective date of this AD, apply F13, Type 2 corrosion inhibiting compound to the affected bolts and barrel nuts in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A84-57-19, Revision B, dated March 6, 2008; except if it can be conclusively determined from a review of airplane maintenance records that F13, Type 2 corrosion inhibiting compound was applied to the affected bolts and barrel nuts, then no further action is required by this paragraph.

#### Special Flight Permit

(m) Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), may be issued to operate the airplane to a location where the requirements of this AD can be accomplished, but concurrence by the Manager, New York Aircraft Certification Office, FAA, is required prior to issuance of the special flight permit. Before using any approved special flight permits, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO. Special flight permits may be permitted provided that the conditions specified in paragraphs (m)(1), (m)(2), (m)(3), (m)(4), and (m)(5) of this AD are met.

(1) Both the right-hand side and left-hand side of the airplane must have at least one barrel nut that is not within the suspect batch (i.e., barrel nut is not identified with a marking of LH7940T SPS 01). The barrel nuts that are not within the suspect batch must be in good working condition (i.e., no cracking of the barrel nut).

(2) No passengers and no cargo are onboard.

(3) Airplane must operate in fair weather conditions with a low risk of turbulence.

(4) Airplane must operate with reduced airspeed. For further information, contact Bombardier, Q Series 24 Hour Service Customer Response Center, at: *Tel:* 1-416-375-4000; *Fax:* 1-416-375-4539; *E-mail:* [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com).

(5) All of the conditions specified in paragraphs (m)(1), (m)(2), (m)(3), and (m)(4) of this AD are on a case-by-case basis. Contact your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO, for assistance.

#### Alternative Methods of Compliance (AMOCs)

(n)(1) The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

#### Related Information

(o) Canadian airworthiness directive CF-2008-11R1, dated May 9, 2008.

Issued in Renton, Washington, on June 13, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E8-14482 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-27715; Directorate Identifier 2006-NM-140-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A330 and A340 Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** The FAA is revising an earlier supplemental NPRM (SNPRM) for an airworthiness directive (AD) that applies to all Airbus Model A330-200, A330-300, A340-200, and A340-300 series airplanes; and Model A340-541 and A340-642 airplanes. The original NPRM would have superseded an existing AD that currently requires operators to revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate new information. This information includes, for all affected airplanes, decreased life limit values for certain components; and for Model A330-200 and -300 series airplanes, new inspections, compliance times, and new repetitive intervals to detect fatigue cracking, accidental damage, or corrosion in certain structures. The original NPRM proposed to revise the ALS, for all affected airplanes, by adding new Airworthiness Limitations Items (ALIs) to incorporate service life limits for certain items and inspections to detect fatigue cracking, accidental damage or corrosion in certain structures, in accordance with the revised ALS of the ICA. The original NPRM resulted from the issuance of new and more restrictive service life limits and structural inspections based on fatigue testing and in-service findings. The first supplemental NPRM revised the original NPRM by adding airplanes, adding new requirements,

and including more restrictive compliance thresholds and intervals. This new action revises the first supplemental NPRM by adding a new weight variant configuration, and including more restrictive compliance thresholds and intervals. We are proposing this second supplemental NPRM to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, and to prevent failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

**DATES:** We must receive comments on this supplemental NPRM by July 21, 2008.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

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

- *Fax:* (202) 493-2251.
- *Hand Delivery:* Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer International Branch, ANM-116, FAA, International Branch, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposal. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "Docket No. FAA-2007-27715; Directorate Identifier 2006-NM-140-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this supplemental NPRM. We will

consider all comments received by the closing date and may amend this supplemental NPRM in light of those comments.

We will post all comments submitted, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

#### Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground level of the West Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

#### Discussion

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2006-09-07, amendment 39-14577 (71 FR 25919, May 3, 2006). The existing AD applies to all Airbus Model A330-200, A330-300, A340-200,

and A340-300 series airplanes; and Model A340-541 and A340-642 airplanes. The first supplemental NPRM was published in the **Federal Register** on August 16, 2007 (72 FR 45965). The original NPRM proposed to revise the ALS, for all affected airplanes, by adding new Airworthiness Limitations Items (ALIs) to incorporate service life limits for certain items and inspections to detect fatigue cracking, accidental damage, or corrosion in certain structures, in accordance with the revised ALS of the Instructions for Continued Airworthiness (ICA). The first supplemental NPRM proposed to add airplanes, add new requirements, and include more restrictive compliance thresholds and intervals.

#### Actions Since First Supplemental NPRM Was Issued

Since we issued the first supplemental NPRM, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, issued EASA airworthiness directive 2008-0023, dated February 6, 2008.

The EASA advises that Airbus has revised Document AI/SE-M4/95A.0089/97, "A330 Airworthiness Limitation Items (ALI)," from Issue 14, dated October 10, 2005, to Issue 15, dated March 26, 2007, to add a new weight variant configuration and include more restrictive compliance thresholds and intervals.

Incorporating this revision into the ALS of the Instructions for Continued Airworthiness is intended to ensure the continued structural integrity of these airplanes.

#### Explanation of Additional Changes to the First Supplemental NPRM

For standardization purposes, we have revised this AD in the following ways:

We have revised paragraph (i) of this AD to specify that no alternative inspections/limitation tasks or inspection/limitation task intervals may be used unless the inspections/limitation tasks or inspection/limitation task intervals are part of a later approved revision of the documents specified in paragraphs (h)(1) and (h)(2) of this AD, as applicable, or unless they are approved as an alternative method of compliance (AMOC). Inclusion of this paragraph in the AD is intended to ensure that the AD-mandated airworthiness limitations changes are treated the same as the airworthiness limitations issued with the original type certificate.

We have simplified the language in Note 1 of this AD to clarify that an operator must request approval for an AMOC if the operator cannot accomplish the required inspections because an airplane has been previously modified, altered, or repaired in the areas addressed by the required inspections.

#### FAA's Determination and Proposed Requirements of the Supplemental NPRM

The changes discussed above expand the scope of the first supplemental NPRM; therefore, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment on this second supplemental NPRM.

#### Costs of Compliance

This proposed AD would affect about 41 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hour	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Revise the ALS, required by AD 2006-09-07.	1	\$80	None .....	\$80	20	\$1,600
Revise the ALS, new proposed action .....	1	80	None .....	80	41	3,280

#### Authority for This Rulemaking

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

detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations

for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this supplemental NPRM and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39-14577 (71 FR 25919, May 3, 2006) and adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2007-27715; Directorate Identifier 2006-NM-140-AD.

#### Comments Due Date

(a) The FAA must receive comments on this AD action by July 28, 2008.

#### Affected ADs

(b) This AD supersedes AD 2006-09-07.

#### Applicability

(c) This AD applies to all Airbus Model A330 and A340 airplanes, certificated in any category.

**Note 1:** This AD requires revisions to certain operator maintenance documents to

include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

#### Unsafe Condition

(d) This AD results from the issuance of new and more restrictive service life limits and structural inspections based on fatigue testing and in-service findings. We are issuing this AD to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Restatement of Requirements of AD 2006-09-07

##### Airworthiness Limitations Revision

(f) Within 3 months after June 7, 2006 (the effective date of AD 2006-09-07): Revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating into the ALS the documents in paragraphs (f)(1) and (f)(2) of this AD, as applicable, until paragraph (h) of this AD is accomplished.

(1) Airbus Document AI/SE-M4/95A.0089/97, "A330 Airworthiness Limitations Items," Issue 12, dated November 1, 2003, as specified in Section 9-2 of the Airbus A330 Maintenance Planning Document (MPD).

(2) Section 9-1, "Life limits/Monitored parts," Revision 05, dated April 7, 2005, of the Airbus A330 and A340 MPDs.

(g) Except as provided by paragraph (h) or (j) of this AD: After the actions in paragraph (f) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (f) of this AD.

##### New Requirements of This AD

##### ALS Revision

(h) Within 3 months after the effective date of this AD: Revise the ALS of the Instructions for Continued Airworthiness to incorporate the documents specified in paragraphs (h)(1) and (h)(2) of this AD, as applicable. Accomplishing the revision in this paragraph terminates the requirements in paragraph (f) of this AD.

(1) Airbus Document AI/SE-M4/95A.0089/97, "A330 Airworthiness Limitation Items (ALI)," Issue 15, dated March 26, 2007; or Airbus Document AI/SE-M4/95A.0051/97, "A340 Airworthiness Limitations Items," Issue 10, dated February 1, 2007.

(2) Sub-part 1-2 "Life Limits," and Sub-part 1-3 "Demonstrated Fatigue Lives," of Airbus A330 or A340 ALS Part 1, "Safe Life Airworthiness Limitation Items," Revision 01, dated March 30, 2007, as applicable.

(i) After accomplishing the actions specified in paragraph (h) of this AD, no alternative inspections/limitation tasks or inspection/limitation task intervals may be used unless the inspections/limitation tasks or inspection/limitation task intervals are part of a later approved revision of the documents specified in paragraphs (h)(1) and (h)(2) of this AD, as applicable, that is approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or unless the inspection/limitation task or inspection/limitation task interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

#### Related Information

(k) European Aviation Safety Agency airworthiness directives 2008-0023, dated February 6, 2008, 2007-0133, dated May 11, 2007, and 2007-0158, dated June 4, 2007; also address the subject of this AD.

Issued in Renton, Washington, on June 13, 2008.

#### Ali Bahrami,

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8-14480 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-28377; Directorate Identifier 2007-NM-063-AD]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier NPRM for the products listed above. This action revises the earlier NPRM by expanding the scope. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Periodic operational check of the firewall hydraulic shutoff valves, made during routine maintenance, has revealed that the failure rate of that component is significantly higher than expected. Such a dormant failure, when combined with further possible failures, such as engine fire, may lead to an unacceptable reduction of safety margins.

The unsafe condition is failure of the firewall hydraulic shutoff valve, which, in combination with an engine fire, could result in loss of hydraulic pressure or spread of an engine fire beyond the firewall. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by July 21, 2008.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

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

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-28377; Directorate Identifier 2007-NM-063-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

##### Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on June 25, 2007 (72 FR 34648). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM was issued, we added Model 190-200 STD, -200 LR, and -200 IGW airplanes to the U.S. type certificate data sheet (TCDS). We determined that this model is also affected by the identified unsafe condition. We revised paragraph (c) of this supplemental NPRM to include this model. In addition, we revised the Costs of Compliance paragraph of this supplemental NPRM to include additional U.S.-registered airplanes of this model.

In addition, Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directives 2007-02-01R1 and 2007-02-02R1, both effective August 27, 2007 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The revised MCAI adds a reference to hydraulic shutoff valve, P/N 975287-5. (This reference is explained in a comment from EMBRAER, which is discussed below.) The MCAI states:

Periodic operational check of the firewall hydraulic shutoff valves, made during routine maintenance, has revealed that the failure rate of that component is significantly higher than expected. Such a dormant failure, when combined with further possible failures, such as engine fire, may lead to an unacceptable reduction of safety margins.

The unsafe condition is failure of the firewall hydraulic shutoff valve, which, in combination with an engine fire, could result in loss of hydraulic pressure or spread of an engine fire beyond the firewall. The MCAI requires repetitive operational checks of the firewall hydraulic shutoff valve, and if necessary, replacement of the valve. You may obtain further information by examining the MCAI in the AD docket.

##### Relevant Service Information

EMBRAER has issued Service Bulletins 170-29-0013 and 190-29-0008, both Revision 01, both dated July 24, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

##### Comments

We have considered the following comments received on the earlier NPRM.

##### Request To Add New Affected Part Number

EMBRAER requests that we add P/N 975287-5 to the applicability statement. EMBRAER states that P/N 975287-3 (specified in the original NPRM) is re-identified to P/N 975287-5 without any changes in its design when doing the actions of EMBRAER Service Bulletins 170-29-0015 and 190-29-0011, both dated May 11, 2007 (these service bulletins were not referenced in the NPRM).

We agree to add a reference to the new part number to this supplemental NPRM since hydraulic shutoff valves having that part number are subject to the identified unsafe condition. As discussed previously, ANAC has issued revised MCAI to address this new part number. Accordingly, we have revised paragraphs (c) and (f) of this supplemental NPRM to include a reference to P/N 975287-5.

##### FAA's Determination and Requirements of This Proposed AD

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

referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this proposed AD.

**Differences Between This AD and the MCAI or Service Information**

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

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

**Costs of Compliance**

Based on the service information, we estimate that this proposed AD would affect about 145 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$11,600, or \$80 per product, per inspection cycle.

**Authority for This Rulemaking**

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

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701:

General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

- 1. Is not a “significant regulatory action” under Executive Order 12866;
- 2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- 3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Empresa Brasileira De Aeronautica S.A. (EMBRAER);** Docket No. FAA–2007–28377; Directorate Identifier 2007–NM–063–AD.

**Comments Due Date**

(a) We must receive comments by July 21, 2008.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to EMBRAER Model ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU airplanes; and Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes; equipped with firewall hydraulic shutoff valves having part number (P/N) 975287–3 or P/N 975287–5.

**Subject**

(d) Air Transport Association (ATA) of America Code 29: Hydraulic power.

**Reason**

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

Periodic operational check of the firewall hydraulic shutoff valves, made during routine maintenance, has revealed that the failure rate of that component is significantly higher than expected. Such a dormant failure, when combined with further possible failures, such as engine fire, may lead to an unacceptable reduction of safety margins. The unsafe condition is failure of the firewall hydraulic shutoff valve, which, in combination with an engine fire, could result in loss of hydraulic pressure or spread of an engine fire beyond the firewall. The MCAI requires repetitive operational checks of the firewall hydraulic shutoff valve, and if necessary, replacement of the valve.

**Actions and Compliance**

(f) Unless already done, within the next 600 flight hours after the effective date of this AD, perform an operational test for proper operation of the firewall hydraulic shutoff valves P/N 975287–3 or P/N 975287–5, as applicable, in accordance with the applicable service bulletin listed in Table 1 of this AD. If the valve does not operate properly, before further flight, replace the faulty hydraulic shutoff valve with another one bearing P/N 975287–3 or P/N 975287–5. Repeat the test thereafter at intervals that do not exceed 600 flight hours.

**Note 1:** For the purpose of this AD, an operational check is: “A task to determine that an item is fulfilling its intended purpose. The check does not require quantitative tolerances. This is a failure finding task.”

TABLE 1.—EMBRAER SERVICE INFORMATION

EMBRAER Service Bulletin	Revision level	Date
170–29–0013 .....	Original .....	December 13, 2006.
170–29–0013 .....	01 .....	July 24, 2007.
190–29–0008 .....	Original .....	December 13, 2006.

TABLE 1.—EMBRAER SERVICE INFORMATION—Continued

EMBRAER Service Bulletin	Revision level	Date
190–29–0008 .....	01 .....	July 24, 2007.

**FAA AD Differences**

**Note 2:** This AD differs from the MCAI and/or service information as follows: No Differences.

**Other FAA AD Provisions**

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to *ATTN:* Sanjay Ralhan, Aerospace Engineer, International Branch,

ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

to assure the product is airworthy before it is returned to service.

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

**Related Information**

(h) Refer to MCAI Brazilian Airworthiness Directives 2007–02–01R1 and 2007–02–02R1, both effective August 27, 2007; and the service information listed in Table 2 of this AD for related information.

TABLE 2.—EMBRAER SERVICE INFORMATION

EMBRAER Service Bulletin	Revision level	Date
170–29–0013 .....	Original .....	December 13, 2006.
170–29–0013 .....	01 .....	July 24, 2007.
190–29–0008 .....	Original .....	December 13, 2006.
190–29–0008 .....	01 .....	July 24, 2007.

Issued in Renton, Washington, on June 12, 2008.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8–14476 Filed 6–25–08; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**45 CFR Part 88**

**Office of Global Health Affairs; Regulation on the Organizational Integrity of Entities Implementing Leadership Act Programs and Activities**

**AGENCY:** Office of Global Health Affairs, HHS.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Office of Global Health Affairs within the U.S. Department of Health and Human Services (HHS) is reopening the period to submit comments on the proposed rule, published in the **Federal Register** of April 17, 2008. The proposed rule describes the separation that must exist between a recipient of HHS funds to implement HIV/AIDS programs and activities under the United States Leadership Against HIV/AIDS,

Tuberculosis and Malaria Act of 2003 (the “Leadership Act”), Public Law No. 108–25 (May 27, 2003), and an affiliate organization that engages in activities that are not consistent with a policy opposing prostitution and sex trafficking, as required under section 301(f) of the Leadership Act.

**DATES:** Submit written or electronic comments on the proposed rule by July 28, 2008.

**ADDRESSES:** You may submit written comments to the following address: U.S. Department of Health and Human Services, Office of Global Health Affairs, Room 639H, 200 Independence Avenue, SW., Washington, DC 20201. Comments will be available for public inspection Monday through Friday, except for legal holidays, from 9 a.m. until 5 p.m., at Room 639H, 200 Independence Avenue, SW., Washington, DC 20201. Please call ahead to 1–202–690–6174, and ask for a representative in the Office of Global Health Affairs to schedule your visit.

Written comments are also accepted electronically via the Internet at <http://www.regulations.gov>. You can also download an electronic version of the NPRM at <http://www.regulations.gov>. HHS/OGHA has also posted the NPRM and related materials to its Web site at the following Internet address: <http://www.globalhealth.gov/>.

**FOR FURTHER INFORMATION CONTACT:** William R. Steiger, PhD, Office of Global

Health Affairs, Hubert H. Humphrey Building, Room 639H, 200 Independence Avenue, SW., Washington, DC 20201.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of April 17, 2008 (73 FR 20901), HHS published a proposed rule that describes the separation that must exist between a recipient of HHS funds to implement HIV/AIDS programs and activities under the Leadership Act and an affiliate organization that engages in activities that are not consistent with a policy opposing prostitution and sex trafficking, as required under section 301(f) of the Leadership Act. HHS invited stakeholders and other interested parties to comment on the proposed rule by May 19, 2008. One commenter noted a technical error in the proposed rule. HHS issued a notice of correction in the **Federal Register** of May 20, 2008 (73 FR 29096). Since HHS was unable to issue the notice of correction before the comment period ended, HHS is reopening the comment period for 30 days in order to allow the commenter and other interested persons to submit supplemental comments.

Dated: June 11, 2008.

**William R. Steiger,**

*Director, Office of Global Health Affairs.*

Approved: June 23, 2008.

**Michael O. Leavitt,**

*Secretary of Health and Human Services.*

[FR Doc. E8-14609 Filed 6-25-08; 8:45 am]

**BILLING CODE 4150-38-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1244

[STB Ex Parte No. 385 (Sub-No. 6)]

#### Waybill Sample

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** The Board is proposing to require all carriers that submit carload-waybill-sample information (Waybill Sample) under 49 CFR part 1244 to report fuel surcharge revenue in a separate waybill field created by the Board for that purpose, commencing with the Waybill Sample filed for January 2009. The Board will revise the waybill-file-record layout to reflect this change.

**DATES:** Comments are due by July 18, 2008.

**ADDRESSES:** Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: STB Ex Parte No. 385 (Sub-No. 6), 395 E Street, SW., Washington, DC 20423-0001.

Copies of written comments received by the Board will be posted to the Board's Web site at <http://www.stb.dot.gov> and will be available for viewing and self-copying in the Board's Public Docket Room, Suite 131, 395 E Street, SW., Washington, DC. Copies of the comments will also be available (for a fee) by contacting the Board's Chief Records Officer at (202) 245-0235 or 395 E Street, SW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION, CONTACT:** Mac Frampton, (202) 245-0317 or

[mac.frampton@stb.dot.gov](mailto:mac.frampton@stb.dot.gov). [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The Board is proposing to require rail carriers to submit waybill information about fuel surcharge revenue as a separate item within the Waybill Sample.

A carload waybill is a document describing the characteristics of an individual rail shipment: originating and terminating freight stations, the names of all railroads participating in the movement, the points of all railroad interchanges, the number of cars, the car types, movement weight in hundredweight, the commodity, and the freight revenue. Under 49 CFR part 1244, a railroad is required to file a Waybill Sample for all line-haul revenue waybills terminating on its lines if, in any of the three preceding years, the railroad terminated 4500 or more carloads, or it terminated at least 5% of the total revenue carloads that terminate in a particular state.

The Waybill Sample is the Board's primary source of information about freight rail shipments terminated in the United States. Of particular importance, the Board relies on the data in the "Freight Revenue" field to compute its "Revenue Shortfall Allocation Method" (RSAM) benchmarks.

In the last few years, questions have been raised about how railroads reported fuel surcharge revenue in the Waybill Sample. The Board sought to address those questions, and to provide for consistency in the reporting of fuel surcharge revenue in the Waybill Sample, by clarifying that all railroads that are required to submit a Waybill Sample under 49 CFR part 1244 should report fuel surcharge revenue in the "Freight Revenue" field (columns 83-91) in the waybill-file-record layout. *Waybill Sample*, STB Ex Parte No. 385 (Sub-No. 6) (*Clarification*) (published at 72 FR 72000 on December 19, 2007).

In a request for reconsideration filed on December 31, 2007, the National Industrial Transportation League (NITL) argued that the Board's *Clarification* made it more difficult to identify fuel surcharge revenue in the Waybill Sample and, therefore, did not promote transparency as to the use of fuel surcharges by rail carriers. NITL, with the support of several other shippers, shipping groups, and other interests, asked the Board to require all carriers that submit a Waybill Sample to report

fuel surcharge revenue separately in a Waybill Sample field established for that purpose. No rail carrier objected to, or even responded to, NITL's petition.

As explained in more detail in the Board's decision served on June 16, 2008, reporting fuel surcharge revenue in a separate field in the Waybill Sample will increase transparency about the use of fuel surcharges by rail carriers without detracting from the Board's ability to obtain consistent results for the purposes of including such revenue in its RSAM calculations. Therefore, the Board proposes to revise the waybill-file-record layout to create a new field for the purpose of reporting fuel surcharge revenue.

The Board's June 16, 2008 decision in this proceeding is available on the Board's Web site at [www.stb.dot.gov](http://www.stb.dot.gov). Copies of the decision will also be available for viewing and self-copying in the Board's Public Docket Room, Suite 131, 395 E Street, SW., Washington, DC, or (for a fee) by contacting the Board's Chief Records Officer at (202) 245-0235 or 395 E Street, SW., Washington, DC 20423-0001.

The Board will request incorporation by reference approval from the Director of the **Federal Register** pursuant to 1 CFR part 51 for the January 2009 edition of Statement No. 81-1, Procedures for Sampling Waybill Records by Computer.

Pursuant to 5 U.S.C. 605(b), the Board certifies that this action will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### List of Subjects in 49 CFR Part 1244

Freight, Railroads, Reporting and recordkeeping.

**Authority:** 49 U.S.C. 11144, 49 U.S.C. 11145.

Decided: June 12, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-13677 Filed 6-25-08; 8:45 am]

**BILLING CODE 4915-01-P**

# Notices

Federal Register

Vol. 73, No. 124

Thursday, June 26, 2008

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

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

June 20, 2008.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA\_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### Forest Service

*Title:* Forest Products Free Use Permit, Forest Products Removal Permit and Cash Receipt, and Forest Products Sale Permit and Cash Receipt.

*OMB Control Number:* 0596-0085.

*Summary of Collection:* Individuals and businesses that wish to remove forest products from national forest lands must request a permit. 16 U.S.C. 551 requires the promulgation of regulations to regulate forest use and prevent destruction of the forests. Regulations at 36 CFR 223.1 and 223.2 govern the sale of forest products such as Christmas trees, pinecones, moss, and mushrooms. Regulations at 36 CFR 223.5 through 223.11 authorize the free use or sale of timber or forest products. Upon receiving a permit, the permittee must comply with the terms of the permit at 36 CFR 216.6 that designate the forest products that can be harvested and under what conditions, such as limiting harvest to a designated area or permitting harvest of only specifically designated material.

Both the Forest Service (FS) and Department of the Interior, Bureau of Land Management (BLM) will use the Forest Products Removal Permit and Cash Receipt to collect information. *Need and Use of the Information:* Using forms FS-2400-1/BLM-5450-24, FS-2400-4 and FS-2400-8, FS and BLM will collect the name, address and tax identification number from persons applying for permits. The information will be used to keep a record of persons buying forest products and to determine if the applicant meets the criteria under which free use or sale of forest products is authorized by the regulations and to ensure that the permittee has not received product values in excess of the amount allowed by regulation in any one fiscal year and complies with the regulations and terms of the permit. This information is also needed to allow FS compliance personnel to identify permittees in the field. Without the forest product removal program, achieving multiple use management programs such as reducing fire hazard and improving forest health on the National Forest would be impaired.

*Description of Respondents:* Individuals or households; businesses or other for-profit.

*Number of Respondents:* 139,067.  
*Frequency of Responses:* Reporting: On occasion; Recordkeeping.  
*Total Burden Hours:* 18,395.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E8-14426 Filed 6-25-08; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

June 23, 2008.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

*OIRA\_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such

persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Animal and Plant Health Inspection Service

*Title:* Domestic Quarantines.

*OMB Control Number:* 0579-0088.

*Summary of Collection:* Under the Plant Protection Act (7 U.S.C. 7701-7772) the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. Plant Protection and Quarantine, a program within USDA's Animal and Plant Health Inspection Service (APHIS), is responsible for implementing this Act and does so through the enforcement of its domestic quarantine regulations contained in Title 7 of the Code of Federal Regulations, CFR Part 301. Administering these regulations often requires APHIS to collect information from a variety of individuals who are involved in growing, packing, handling, transporting, plants and plant products. The information collected from these individuals is vital to helping ensure that injurious plant diseases and insect pests do not spread within the United States. Information to be collected is necessary to determine compliance with domestic quarantines. Federal/State domestic quarantines are necessary to regulate the movement of articles from infested areas to noninfested area. Collecting information requires the use of a number of forms and documents. APHIS will collect information using various forms and documents.

*Need and Use of the Information:* APHIS will collect information by interviewing growers and shippers at the time the inspections are being conducted and by having growers and shippers of exported plants and plant products complete an application for a transit permit. Information is collected from the growers, packers, shippers, and exporters of regulated articles to ensure that the articles, when moved from a quarantined area, do not harbor injurious plant diseases and insect pests. The information obtained will be used to determine compliance with regulations and for issuance of forms, permits, certificates, and other required documents.

*Description of Respondents:* Business or other for-profit; Farm; Individuals or households; Farms; Federal Government; State, Local or Tribal Government.

*Number of Respondents:* 194,085.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion.  
*Total Burden Hours:* 134,486.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E8-14505 Filed 6-25-08; 8:45 am]

**BILLING CODE 3410-34-P**

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#### DEPARTMENT OF AGRICULTURE

##### Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0070]

##### National Wildlife Services Advisory Committee; Meeting

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** We are giving notice of a meeting of the National Wildlife Services Advisory Committee.

**DATES:** The meeting will be held on August 5, 6, and 7, 2008, from 8 a.m. to 5 p.m. each day.

**ADDRESSES:** The meeting will be held in the Oklahoma City Memorial Conference Center, USDA Center at Riverside, 4700 River Road, Riverdale, MD.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Joanne Garrett, Director, Operational Support Staff, WS, APHIS, 4700 River Road Unit 87, Riverdale, MD 20737; (301) 734-7921.

**SUPPLEMENTARY INFORMATION:** The National Wildlife Services Advisory Committee (the Committee) advises the Secretary of Agriculture concerning policies, program issues, and research needed to conduct the Wildlife Services (WS) program. The Committee also serves as a public forum enabling those affected by the WS program to have a voice in the program's policies.

The meeting will focus on operational and research activities. The Committee will discuss WS efforts to increase operational capacity through prioritizing research objectives. Additionally, the Committee will discuss pertinent national programs and how to increase their effectiveness, as well as ensuring WS remains an active participant in the goal of agricultural protection.

The meeting will be open to the public. However, due to time constraints, the public will not be allowed to participate in the discussions during the meeting. Written statements on meeting topics may be filed with the Committee before or after the meeting

by sending them to the person listed under **FOR FURTHER INFORMATION CONTACT**. Written statements may also be filed at the meeting. Please refer to Docket No. APHIS-2008-0070 when submitting your statements.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, this 20th day of June 2008.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E8-14498 Filed 6-25-08; 8:45 am]

**BILLING CODE 3410-34-P**

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#### DEPARTMENT OF AGRICULTURE

##### Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0066]

##### Notice of Availability of a Pest Risk Analysis for Importation of Guavas From Mexico Into the United States

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with the importation into the United States of fresh guava fruit from Mexico. Based on that analysis, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of guavas from Mexico. We are making the pest risk analysis available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before August 25, 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-2008-0066> 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-2008-0066, 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–2008–0066.

**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:** 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:**

**Background**

Under the regulations in “Subpart-Fruits and Vegetables” (7 CFR 319.56 through 319.56–47, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. These measures are:

- The fruits or vegetables are subject to inspection upon arrival in the United States and comply with all applicable provisions of § 319.56–3;

- The fruits or vegetables are imported from a pest-free area in the country of origin that meets the requirements of § 319.56–5 for freedom from that pest and are accompanied by a phytosanitary certificate stating that the fruits or vegetables originated in a pest-free area in the country of origin;

- The fruits or vegetables are treated in accordance with 7 CFR part 305;

- The fruits or vegetables are inspected in the country of origin by an inspector or an official of the national plant protection organization of the exporting country, and have been found free of one or more specific quarantine

pests identified by the risk analysis as likely to follow the import pathway; and/or

- The fruits or vegetables are a commercial consignment.

APHIS received a request from the Government of Mexico to allow the importation of fresh guava fruit from Mexico into the United States. We have completed a pest risk assessment to identify pests of quarantine significance that could follow the pathway of importation into the United States and, based on that pest risk assessment, have prepared a risk management analysis to identify phytosanitary measures that could be applied to the commodity to mitigate the pest risk. We have concluded that guavas can be safely imported into the United States from Mexico using one or more of the five designated phytosanitary measures listed in § 319.56–4(b). Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our pest risk analysis for public review and comment. The pest risk analysis may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the pest risk analysis by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the pest risk analysis when requesting copies.

After reviewing the comments we receive, we will announce our decision regarding the import status of guavas from Mexico in a subsequent notice. If the overall conclusions of the analysis and the Administrator’s determination of risk remain unchanged following our consideration of the comments, then we will begin issuing permits for importation of guavas from Mexico into the United States subject to the requirements specified in the risk management analysis.

**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 20th day of June 2008.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E8–14504 Filed 6–25–08; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**Information Collection; Valuation of Hemlock Decline on Public Forests in the Southern Appalachian Mountains**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the new information collection, Valuation of Hemlock Decline on Public Forests in the Southern Appalachian Mountains.

**DATES:** Comments must be received in writing on or before August 25, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Comments concerning this notice should be addressed to Thomas P. Holmes, Forestry Sciences Lab, Southern Research Station, USDA Forest Service, P.O. Box 12254, Research Triangle Park, NC 27709.

Comments also may be submitted via facsimile to (919) 549–4047 or by e-mail to: [tholmes@fs.fed.us](mailto:tholmes@fs.fed.us).

The public may inspect comments received at the Forestry Sciences Lab, 3041 Cornwallis Road, Research Triangle Park, NC 27709, main building reception area during normal business hours. Visitors are encouraged to call ahead to (919) 549–4000 to facilitate entry to the building.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Holmes, Southern Research Station, (919) 549–4031. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:**

**Title:** Valuation of Hemlock Decline on Public Forests in the Southern Appalachian Mountains.

**OMB Number:** 0596–New.

**Type of Request:** New.

**Abstract:** The Forest Service is seeking to determine the appropriate level of effort to take to protect hemlock forests on public land in the eastern United States from the hemlock woolly adelgid (HWA). The HWA is an exotic forest insect pest currently spreading across the eastern United States and threatens the widespread decline of hemlock forests. This insect has no known effective native predators; eastern and Carolina hemlocks have shown no resistance to HWA; and hemlock forests have not shown any

recovery following heavy, chronic infestations. While public forest managers have alternative protection measures available, implementation of these protection measures is costly and the economic benefits of protecting hemlock health are largely unknown.

Eastern hemlock forests provide a suite of public and private goods that have economic value, including wildlife habitat, aesthetic landscapes, and commercial timber. In addition, hemlock forests located on public land provide unique natural settings for recreational activities, provide habitat for many species of wildlife, and help prevent soil erosion along the banks of streams and rivers. As the impacts of this invasion accrue, forest managers' demand for information increases.

Forest Service and university researchers will collect and analyze information regarding the value of the ecosystem services provided by hemlock forests located on public land in the Southern Appalachian Mountains from residents living within 500 miles of Asheville, North Carolina. The data and analyses will provide guidance to public forest managers regarding the value of ecosystem services supplied by hemlock forests on the land that they manage and the level of public support for alternative hemlock forest-protection programs.

Telephone interviewers will contact individual head-of-households via random digit dialing. Those agreeing to participate will receive a questionnaire via the United States Postal Service, along with a cover letter describing the purpose of the study, information about current hemlock forest conditions in Southern Appalachian Mountain public forests, and available protection alternatives. Approximately two weeks after receiving the questionnaire, respondents will share answers via telephone interview.

*Estimate of Annual Burden:* 45 minutes.

*Type of Respondents:* Individuals, heads of households.

*Estimated Annual Number of Respondents:* 500.

*Estimated Annual Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 375 hours.

#### Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the

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 the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: June 23, 2008.

**David A. Cleaves,**

*Associate Deputy Chief, Research and Development.*

[FR Doc. E8-14552 Filed 6-25-08; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

(Docket 41-2008)

#### Foreign-Trade Zone 7 - Mayaguez, Puerto Rico, Application for Subzone, Amgen Manufacturing Limited, (Biotechnology and Healthcare Products), Juncos, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting special-purpose subzone status for the manufacture of biotechnology and healthcare products at the facility of Amgen Manufacturing Limited (Amgen), located in Juncos, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 19, 2008.

The Amgen facility (2,000 employees, 28 buildings with 1,900,718 square feet on 221 acres) is located at Road PR 31 Km. 24.6, in Juncos, Puerto Rico. The facility will be used to manufacture, test, package and warehouse Epogen®, (Epoetin Alfa), Neupogen® (Filgrastim), Aranesp® (Darbepoetin Alfa), Enbrel® (Etanercept), Kineret® (Anakinra), and Neulasta® (Pegfilgrastim) (duty-free). Components and materials sourced from abroad (representing 2% of the value of the finished product) include: vials, syringes, stoppers, plunger rods,

partitions and dispenser packs (HTSUS duty rate ranges from duty-free to 2.7%).

FTZ procedures would exempt Amgen from customs duty payments on the foreign components used in export production. The company anticipates that some 48 percent of the plant's shipments will be exported. On its domestic sales, Amgen could choose the duty-free rate during customs entry procedures that applies to finished biotechnology and healthcare products for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 25, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 9, 2008.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Tower II Suite 702, Road 165, Guaynabo, Puerto Rico 00968. Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave. NW, Washington, DC 20230.

For further information, contact Elizabeth Whiteman at Elizabeth\_Whiteman@ita.doc.gov or (202) 482-0473.

Dated: June 19, 2008.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. E8-14537 Filed 6-25-08; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Emerging Technology and Research Advisory Committee; Notice of Recruitment of Private-Sector Members Date Extension

The Bureau of Industry and Security (BIS) is announcing the creation of and recruiting individuals for a technical

advisory committee that will review and provide recommendations to the Department of Commerce on emerging technology and research issues. The Emerging Technology and Research Advisory Committee (ETRAC) will advise the Department and other agency officials on (i) the identification of emerging technologies and research and development activities that may be of interest from a dual-use perspective; (ii) the prioritization of new and existing controls to determine which are of greatest consequence to national security; (iii) the potential impact of dual-use export control requirements on research activities; and (iv) the threat to national security posed by unauthorized export technologies.

**DATES:** To respond to the recruitment notice, please send a copy of your resume to the individual identified under the **ADDRESSES** heading. This Notice of Recruitment has been extended until July 22, 2008.

**ADDRESSES:** Interested parties may submit their resume to Ms. Yvette Springer at [Yspringer@bis.doc.gov](mailto:Yspringer@bis.doc.gov) or mail to U.S. Department of Commerce, Bureau of Industry and Security, 14th Street and Constitution Ave., NW., Room 1093, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Mark Crawford, Office of Technology Evaluation, Bureau of Industry and Security, telephone: (202) 482-4933 or e-mail: [mcrawfor@bis.doc.gov](mailto:mcrawfor@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

BIS is proposing the establishment of a technical advisory committee, the Emerging Technology and Research Advisory Committee (ETRAC), under the terms of section 5(h) of the Export Administration Act of 1979, as amended (EAA), 50 U.S.C. app. 2401-2420 (2000), the International Emergency Economic Powers Act, 50 U.S.C. 1701-1707 (2007), and the Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2 (2005)), which will provide an important vehicle for gathering necessary data as part of the Department's efforts to ensure that export controls continue to apply to sensitive items and keep pace with technological and research innovation without stifling U.S. competitiveness.

BIS's decision to establish the ETRAC drew on three sources: Public comments submitted to BIS last year regarding the Commerce Control List (CCL), the report recently issued by the Deemed Export Advisory Committee (DEAC), a Federal advisory committee charged with making recommendations to the Secretary regarding BIS's deemed export

policy and a new Presidential directive calling for BIS to regularly reassess and update the CCL.

First, in response to a notice of inquiry, "Request for Public Comments on a Systematic Review of the Commerce Control List," published in the **Federal Register** on July 17, 2007, BIS received public comments stating that the CCL was not keeping pace with technology and suggesting that university experts play a greater role in updating the list.

Second, on December 20, 2007, the DEAC submitted its final report, The Deemed Export Rule in the Era of Globalization, to the Secretary of Commerce. The DEAC recommended that BIS create a panel of outside experts in the fields of science and engineering to conduct a "zero-based" annual review of the list of technologies on the CCL subject to deemed export licensing policy. The DEAC also suggested that the Department increase the focus on and "build higher fences around those elements of technical knowledge that could have the greatest consequences in the national/homeland security sphere by systematically reviewing the Commerce Control List, with advice from independent experts, to eliminate those items and technologies that have little or no such consequences."

The DEAC's recommendations contained in the report constitute a written request from representatives of a substantial segment of an industry that produces goods or technology subject to export controls, a requirement under section 5(h) of the EAA for the establishment of a technical advisory committee. Specifically, the DEAC's members were senior officials with significant experience in business, educational research, and national homeland security matters related to scientific and engineering knowledge. As such, they represented a substantial segment of an affected industry that produces items subject to export controls, namely, the U.S. technology community, which is engaged in producing technical data and providing technical assistance.

Finally, the President issued a *Dual-Use Trade Reform* directive on January 22, 2008 that called for export controls to be constantly reassessed to ensure that they control the export and reexport of sensitive items while minimizing their impact on U.S. economic competitiveness and innovation. In order to meet this objective, the President directed the Secretary of Commerce to develop a regularized process that would consider input by

technical advisory committees in the review and updating of the CCL.

The ETRAC will be charged with identifying emerging technologies and research and development activities that may be of interest from a dual-use perspective, prioritizing new and existing controls related to deemed exports to determine which are of greatest consequence to national security, and examining how research is performed to understand the impact that the Export Administration Regulations have on academia, federal laboratories, and industry.

*Emerging Technology and Research Advisory Committee (ETRAC): Notice of Recruitment of Members.* The membership is drawn from both private and public sectors, based on the description below as well as the draft charter.

BIS is recruiting members for the ETRAC. The ETRAC will consist of a maximum of 25 members and will feature a balanced membership that will include diverse points of view. It will consist of experts drawn equally from academia, federal laboratories, and industry to ensure a comprehensive discussion of emerging technologies and research and development activities and their implications with regard to national and economic security. ETRAC members will be appointed by the Secretary of Commerce and serve a term of not more than four consecutive years. Each member must be able to qualify for a Secret clearance prior to appointment. These clearances are necessary so that members may be permitted access to sensitive intelligence and law enforcement information related to the ETRAC's mission. The ETRAC will also reach out to other government and non-government experts to ensure a broad and thorough review of the issues. To respond to the recruitment notice, please send a copy of your resume to Ms. Yvette Springer at [Yspringer@bis.doc.gov](mailto:Yspringer@bis.doc.gov). This Notice of Recruitment has been extended until July 22, 2008.

Dated: June 23, 2008.

**Yvette Springer,**

*Committee Liaison Officer.*

[FR Doc. E8-14494 Filed 6-25-08; 8:45 am]

**BILLING CODE 3510-JT-P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

(A-570-891)

**Notice of Rescission of Antidumping Duty Administrative Review: Hand Trucks and Certain Parts Thereof from the People's Republic of China**

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

**SUMMARY:** In response to requests from Gleason Industrial Products, Inc., and Precision Products, Inc. (collectively, petitioners), the U.S. Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China for the period December 1, 2006, through November 30, 2007. No other interested party requested a review for this period of review. For the reasons discussed below, the Department is rescinding this administrative review.

**EFFECTIVE DATE:** June 26, 2008.

**FOR FURTHER INFORMATION CONTACT:** David Cordell or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0408 or (202) 482-0649 respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On December 3, 2007, the Department published in the **Federal Register** its notice of opportunity to request an administrative review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 72 FR 67889 (December 3, 2007). In accordance with 19 CFR 351.213(b)(1), on December 28, 2007, petitioners requested that the Department conduct an administrative review for the following exporters of the subject merchandise: Qingdao Taifa Group Co. Ltd. (Taifa); True Potential Co., Ltd. (True Potential); Since Hardware (Guangzhou) Co., Ltd. (Since Hardware); and New-Tec Integration (Xiamen) Co., Ltd. (New-Tec).

On January 28, 2008, the Department published in the **Federal Register** a notice of the initiation of the antidumping duty administrative review

of hand trucks from the PRC for the period December 1, 2006, through November 30, 2007, with respect to the above-named four companies. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 4829 (January 28, 2008).

On March 28, 2008, the Department determined that it was not practicable to examine individually all of the companies covered by the 2006-2007 administrative review, and thus it limited its examination to the largest producers/exporters that could reasonably be reviewed, pursuant to section 777A(c)(2)(B) of the Tariff Act of 1930, as amended (the Tariff Act). The Department selected Taifa as the sole respondent required to submit a full questionnaire response in the administrative review. See the memorandum titled "Respondent Selection Memorandum: Antidumping Duty Administrative Review of Hand Trucks and Certain Parts Thereof from the People's Republic of China" dated March 28, 2008.

On April 4, 2008, petitioners withdrew their requests for Taifa, Since, and New-Tec.<sup>1</sup> On April 24, 2008, petitioners withdrew their request for an administrative review for True Potential.

**Rescission of Review**

Section 351.213(d)(1) of the Department's regulations provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review, or withdraws at a later date if the Department determines that it is reasonable to extend the time limit for withdrawing the request. As the party that requested this review has timely withdrawn those requests, this review is rescinded. The Department will issue appropriate assessment instructions directly to U.S. Bureau of Customs and Border Protection.

**Notification to Importers**

This notice serves as a final reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to

<sup>1</sup> A new shipper review is currently ongoing for the period 12/01/2006 to 05/31/2007 for New-Tec. Liquidation will continue to be suspended for this period (12/01/2006 to 05/31/2007) until the issuance of the final results in that review.

comply with this requirement could result in the Secretary's assumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. 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 the terms of an APO is a sanctionable violation.

This notice is in accordance with section 777(i)(1) of the Tariff Act, and 19 CFR 351.213(d)(4) of the Department's regulations.

Dated: June 19, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E8-14536 Filed 6-25-08; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-AV60**

**Magnuson-Stevens Act Provisions; Annual Catch Limits; National Standard 1 Guidelines; Meeting Announcements**

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

**ACTION:** Notice of public meetings.

**SUMMARY:** NMFS announces three public meetings to solicit comments on the proposed revisions to the guidelines for National Standard 1 (NS1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

**DATES:** The meetings will be held on July 10 in Silver Spring, MD, from 2 p.m. to 4 p.m. Eastern time; on July 15 in St. Petersburg, FL, from 3:45 pm to 5:45 p.m. Eastern time; and on July 24 in Seattle, WA, from 4 p.m. to 6 p.m., Pacific time.

**ADDRESSES:** The meetings will be held at the following locations:

The NOAA Science Center, 1301 East West Highway, Silver Spring, MD, 20910; telephone: 301-713-2341.

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL, 33701; telephone: 727-824-5301.

Hilton Seattle Airport & Conference Center, 17620 International Boulevard, Seattle, WA, 98188; telephone: 206-244-4800.

**FOR FURTHER INFORMATION CONTACT:** Deb Lambert at (301) 713-2341 or via email at [deb.lambert@noaa.gov](mailto:deb.lambert@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On June 9, 2008, NMFS published proposed revisions to the National Standard 1 Guidelines in the **Federal Register** (73 FR 32526). These proposed revisions would update the guidelines to include guidance on how to comply with new annual catch limit (ACL) and accountability measure requirements for ending overfishing of fisheries managed by federal fishery management plans (FMPs). It also clarifies the relationship between ACLs, maximum sustainable yield, optimum yield (OY), and other applicable reference points. The intent of this action is to facilitate compliance with requirements of the Magnuson-Stevens Act to end and prevent overfishing, rebuild overfished stocks, and achieve OY. NMFS is holding these public meeting to solicit public comments on the proposed guidelines.

#### Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other aids, and requests for special accommodations or needs should be directed to Deb Lambert at (301) 713-2341 at least 5 business days in advance of the meeting date.

**Authority:** 16 U.S.C. 1851 to 1854.

Dated: June 20, 2008.

**Alan D. Risenhoover,**

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

[FR Doc. E8-14517 Filed 6-25-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Commerce Spectrum Management Advisory Committee Meeting

**AGENCY:** National Telecommunications and Information Administration (NTIA), Department of Commerce (DOC)

**ACTION:** Notice of Open Meeting

**SUMMARY:** This notice announces a public meeting of the Spectrum Management Advisory Committee (Committee). The Committee provides

advice to the Assistant Secretary for Communications and Information on spectrum management matters.

**DATES:** The meeting will be held on July 14, 2008, from 1:30 p.m. to 3:30 p.m., Pacific Daylight Time.

**ADDRESSES:** The meeting will be held at ArrayComm, Inc., 2480 N. First St., San Jose, CA. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue N.W., Room 4725, Washington, DC 20230 or emailed to [spectrumadvisory@ntia.doc.gov](mailto:spectrumadvisory@ntia.doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Eric Stark, Designated Federal Officer, at (202) 482-1880 or [estark@ntia.doc.gov](mailto:estark@ntia.doc.gov); Joe Gattuso at (202) 482-0977 or [jgattuso@ntia.doc.gov](mailto:jgattuso@ntia.doc.gov); and/or visit NTIA's web site at [www.ntia.doc.gov](http://www.ntia.doc.gov).

#### SUPPLEMENTARY INFORMATION:

**Background:** The Secretary of Commerce established the Committee to implement a recommendation of the President's Initiative on Spectrum Management pursuant to the President's November 29, 2004 Memorandum for the Heads of Executive Departments and Agencies on the subject of "Spectrum Management for the 21st Century."<sup>1</sup> This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. § 904(b). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management to enable the introduction of new spectrum-dependent technologies and services, including long-range spectrum planning and policy reforms for expediting the American public's access to broadband services, public safety, and digital television. The Committee functions solely as an advisory body in compliance with the FACA.

**Matters to Be Considered:** The Committee will receive recommendations and reports from working groups of its Technical Sharing Efficiencies subcommittee and Operational Sharing Efficiencies subcommittees. The Committee will also consider matters to be taken up at its next meeting. It will provide an opportunity for public comment at the meeting.

<sup>1</sup> *President's Memorandum on Improving Spectrum Management for the 21st Century*, 49 Weekly Comp. Pres. Doc. 2875 (Nov. 29, 2004) (Executive Memorandum).

**Time and Date:** The meeting will be held on July 14, 2008, from 1:30 p.m. to 3:30 p.m. Pacific Daylight Time. These times and the agenda topics are subject to change. Please refer to NTIA's web site, <http://www.ntia.doc.gov>, for the most up-to-date meeting agenda.

**Place:** ArrayComm Inc., 2480 N. First St., San Jose, CA. The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring special services, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Gattuso, at (202) 482-0977 or [jgattuso@ntia.doc.gov](mailto:jgattuso@ntia.doc.gov), at least five (5) business days before the meeting.

**Status:** Interested parties are invited to attend and to submit written comments with the Committee at any time before or after a meeting. Parties wishing to submit written comments for consideration by the Committee in advance of this meeting should send them to the above-listed address and must be received by close of business on July 7, 2008, to provide sufficient time for review. Comments received after July 7, 2008, will be distributed to the Committee but may not be reviewed prior to the meeting. It would be helpful if paper submissions also include a three and one-half inch computer diskette in HTML, ASCII, Word or WordPerfect format (please specify version). Diskettes should be labeled with the name and organizational affiliation of the filer, and the name of the word processing program used to create the document. Alternatively, comments may be submitted electronically to [spectrumadvisory@ntia.doc.gov](mailto:spectrumadvisory@ntia.doc.gov). Comments provided via electronic mail may also be submitted in one or more of the formats specified above.

**Records:** NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's office at the address above. Documents including the Committee's charter, membership list, agendas, minutes, and any reports will be available on NTIA's Committee web site at <http://www.ntia.doc.gov/advisory/spectrum>.

Dated: June 23, 2008.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. E8-14544 Filed 6-25-08; 8:45 am]

**BILLING CODE 3510-60-S**

## COMMODITY FUTURES TRADING COMMISSION

### Notice; Global Markets Advisory Committee Meeting

The Commodity Futures Trading Commission's Global Markets Advisory Committee will conduct a public meeting on Tuesday, July 15, 2008. The meeting will take place in the first floor hearing room of the Commission's Washington, DC headquarters, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 from 1:30 p.m. to 4:30 p.m. The purpose of the meeting is to obtain information on the views of industry and market users concerning direct market access (DMA). Topics to be addressed will include the risks and benefits of DMA, including the challenges to risk management, how exchanges and intermediaries have responded to these risks and whether there is a need for industry-wide guidance.

The meeting is open to the public. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: Global Markets Advisory Committee, c/o Chairman, Jill Sommers, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should inform Chairman Sommers in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for oral presentations of no more than five minutes each in duration.

For further information concerning this meeting, please contact Andrew Morton at (202) 418-5030.

Issued by the Commission in Washington, DC on June 20, 2008.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. E8-14551 Filed 6-25-08; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### U.S. Air Force Academy Board of Visitors Meeting

**AGENCY:** Department of the Air Force, U.S. Air Force Academy Board of Visitors.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to 10 U.S.C. 9355, the U.S. Air Force Academy (USAFA)

Board of Visitors (BoV) will meet in Harmon Hall, 2304 Cadet Drive, Suite 3300, USAFA, Colorado Springs, Colorado, on 18-19 July 2008. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, the Department of Defense has determined that two portions of this meeting shall be closed to the public. The Administrative Assistant to the Secretary of the Air Force, in consultation with the Office of the Air Force General Counsel, has determined in writing that the public interest requires that two portions of this meeting be closed to the public because it will involve matters covered by subsection (c)(6) of 5 U.S.C. 552b.

Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act (FACA) and the procedures described in this paragraph. Written statements must address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force Pentagon address detailed below at any time. However, if a written statement is not received at least 10 days before the first day of the meeting which is the subject of this notice, then it may not be provided to, or considered by, the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairperson and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during open portions of this BoV meeting shall be made available upon request.

If, after review of timely submitted written comments, the BoV Chairperson and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present their issue during an open portion of the BoV

meeting that is the subject of this notice. Members of the BoV may also petition the Chairperson to allow specific persons to make oral presentations before the BoV. Any oral presentations before the BoV shall be in accordance with 41 CFR 102-3.140(c), section 10(a)(3) of the FACA, and this paragraph. The DFO and BoV Chairperson may, if desired, allot a specific amount of time for members of the public to present their issues for BoV review and discussion. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairperson.

**FOR FURTHER INFORMATION CONTACT:** Or to attend this BoV meeting, contact Mr. Johnny Whitaker, Director of Academy Communications, HQ USAFA/CM, 2304 Cadet Drive, Suite 3102, USAFA, Colorado 80840, (719) 333-7714 or Mr. Scotty Ashley, USAFA Programs Manager, Directorate of Force Development, Deputy Chief of Staff, Manpower and Personnel, AF/A1DOA, 1040 Air Force Pentagon, Washington, DC 20330-1040, (703) 695-3594.

**Bao-Anh Trinh,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. E8-14481 Filed 6-25-08; 8:45 am]

BILLING CODE 5001-05-P

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday, July 16, 2008. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, New Jersey.

The conference among the commissioners and staff will begin at 10:30 a.m. Topics of discussion will include: A status report concerning the RFP for a reassessment study to be undertaken in accordance with the Decree Party Agreement of September 26, 2007; a presentation on the U.S. Geological Survey *Water for America* initiative; a presentation on the multi-jurisdictional flood mitigation planning effort completed for the non-tidal portion of the basin within the State of New Jersey; and a briefing on the Commission's role in regulating oil and

gas drilling activity in the Delaware Basin.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *Borough of Paulsboro Water Department D-72-67 CP-2*. An application for the renewal of a ground water withdrawal project to continue withdrawal of 62 million gallons per thirty days (mg/30 days) to supply the applicant's public water supply distribution system from existing Wells Nos. 4, 5 and 7 in the Potomac-Raritan-Magothy Aquifer. The project is located in the Mantua Creek Watershed in the Borough of Paulsboro, Gloucester County, New Jersey.

2. *Village of Margaretville D-74-157 CP-2*. An application to replace the withdrawal of water from the "Fair Street well" in the applicant's public water supply distribution system. This well has become an unreliable source of supply. The applicant requests that the withdrawal from the "Fair Street replacement well" be limited to 18.529 mg/30 days of water, and that the total withdrawal from all wells remain limited to 18.529 mg/30 days. The project is located in the sand, glacial till aquifer in the East Branch Delaware Watershed in the Village of Margaretville, Delaware County, New York. The site is located within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

3. *Hazleton City Authority D-91-65 CP-3*. An application for the renewal of a ground water withdrawal project to continue withdrawal of 3.6 mg/30 days to supply the applicant's public water supply distribution system from existing Well No. 1. The project is located in the Mauch Chunk Formation in the Schafer's Run Watershed in Lausanne Township, Carbon County, Pennsylvania, within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

4. *Matrix Realty, Inc. d/b/a Commonwealth National Country Club D-96-27-2*. An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 5 mg/30 days to supply the applicant's golf course irrigation system from existing Well No. CW-2 in the Stockton Formation and one existing pond. The project is located in the Park Creek Watershed in Horsham Township, Montgomery County, Pennsylvania, within the Southeastern Pennsylvania Ground Water Protected Area.

5. *Horsham Water and Sewer Authority D-97-16 CP-2*. An application for the renewal of a ground water withdrawal project to continue withdrawal of 83.36 mg/30 days to supply the applicant's public water supply distribution system from fifteen existing wells. The project is located in the Stockton Formation in the Pennypack Creek, Park Creek and Little Neshaminy Creek watersheds in Horsham Township, Montgomery County, Pennsylvania, within the Southeastern Pennsylvania Ground Water Protected Area.

6. *Merck and Company, Inc. D-98-14-2*. An application for the renewal of a ground water withdrawal project to continue the withdrawal of 45 mg/30 days to supply the applicant's ground water remediation and facility operations from twelve existing wells in the Brunswick and Locketong Formations. The project is located in the Skippack and Wissahickon Creek watersheds in Upper Gwynedd Township, Montgomery County, Pennsylvania, within the Southeastern Pennsylvania Ground Water Protected Area.

7. *Honey Brook Golf Club D-98-28-2*. An application for the renewal of a ground water withdrawal project to continue withdrawal of 10.3 mg/30 days to supply the applicant's golf course irrigation system from existing Well No. PW#1 in the Honey Brook Gneiss Formation. The project is located in the Brandywine-Christiana Watershed in Honey Brook Township, Chester County, Pennsylvania.

8. *City of Harrington D-68-24 CP-2*. An application for approval of the upgrade and expansion of the Harrington wastewater treatment plant (WWTP). The application is for the addition of biological nutrient removal and a 15,400 foot force main to transmit treated effluent to a new spray irrigation site. To comply with the Murderkill Total Maximum Daily Load (TMDL), the applicant is eliminating a stream discharge to the Browns Branch. The WWTP will be expanded from a flow of 0.57 million gallons per day (mgd) to a final flow of 0.75 mgd. The new spray irrigation fields (152 acres) are located adjacent to the Manlove Branch, a tributary to the Murderkill River. The facility is located in the City of Harrington, Kent County, Delaware.

9. *Honesdale Borough D-86-9 CP-2*. An application for approval of the reconstruction and expansion of the Honesdale Borough WWTP from 1.12 million gallons per day (mgd) to 2.2 mgd. The Honesdale WWTP discharges to the Lackawaxen River, a tributary to the section of the non-tidal Delaware

River known as the Upper Delaware, which is designated as Special Protection Waters. The facilities are located in Texas Township, Wayne County, Pennsylvania.

10. *Northeast Land Company D-89-10 CP-3*. An application for the renewal of a ground water withdrawal project to decrease withdrawal from 4.96 mg/30 days to 4.65 mg/30 days to supply the applicant's public water supply distribution system from existing Well No. 1 and new Well No. 2. The project is located in the Catskill Formation in the Tunkhannock Creek Watershed in Kidder Township, Carbon County, Pennsylvania. The site is located within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

11. *Upper Deerfield Township D-93-16 CP-3*. An application for approval of a ground water withdrawal project to supply up to 40 mg/30 days of water to the applicant's public water supply distribution system from new Wells Nos. 15 and 17 and existing Wells Nos. 3 and 4 and to increase the existing withdrawal from all wells from 19.8 mg/30 days to 40 mg/30 days. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Cohansey Formation in the Cohansey River Watershed in Upper Deerfield Township, Cumberland County, New Jersey.

12. *Pine Valley Golf Club D-96-34-2*. An application for the renewal of a ground and surface water withdrawal project to decrease withdrawal from 32 mg/30 days to 28 mg/30 days to supply the applicant's golf course irrigation and club house from existing Wells Nos. 2 and 3 and Intakes Nos. 1 and 2 in the Mt. Laurel-Wenonah Formation. The project is located in the North Branch Big Timber Creek Watershed in Pine Valley Borough, Camden County, New Jersey.

13. *Tidewater Utilities, Inc. D-2002-4 CP-2*. An application for the renewal of a ground water withdrawal project to increase withdrawal from 7.95 mg/30 days to 52.056 mg/30 days to supply the applicant's public water supply distribution system from existing Well No. 74787 and new Wells Nos. 193788, 193789 and 184338. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Columbia-Pocomoke and Beverdam formations in the Broadkill River Watershed in the City of Lewes and the City of Rehoboth Beach, Sussex County, Delaware.

14. *Municipal Authority of the Township of Westfall D-2002-23 CP-2*. An application for the expansion of an existing WWTP (formerly known as the Hunts Landing Plant) to meet regional growth needs. The proposed WWTP expansion will increase the discharge to the main stem Delaware River from 0.3 mgd to 0.82 mgd. The WWTP is located on the west bank of the Delaware River in Water Quality Zone 1C and discharges to Special Protection Waters classified as "Significant Resource Waters" at river mile 252.5. The facility is located in Westfall Township, Pike County, Pennsylvania.

15. *Hudson Valley Foie Gras, LLC D-2006-37-2*. An application for approval of the modification of an existing WWTP by the addition of effluent sand filters. The discharge from the 20,000 gallons per day (gpd) WWTP will continue to be discharged to the Middle Mongaup River, a tributary of the section of the non-tidal Delaware known as the Upper Delaware, which is designated as Special Protection Waters. The facility is located in Ferndale, Sullivan County, New York.

16. *City of Easton D-2007-031 CP-1*. An application for the approval of the existing Easton water treatment plant's (WTP) 0.75 mgd backwash discharge. The WTP discharges filter backwash and sludge filter press filtrate to the section of the Delaware River known as the Lower Delaware Special Protection Waters. The facility is located in the City of Easton, Northampton County, Pennsylvania.

17. *Mays Landing Sand and Gravel D-2007-32-1*. An application for approval of a surface water withdrawal project to supply up to 112.3 mg/30 days of water for sand and gravel processing. The surface water is used to process sand and gravel in a loop system which returns approximately 90% of the water to the pond. The project is located in the Maurice River Watershed in Maurice River Twp., Cumberland County, New Jersey.

18. *Philadelphia Water Department (PWD) D-2008-9 CP-1*. An application for approval of the construction of the Venice Island Storage Tank Project ("the project"). The project consists of a 3 million gallon storage basin and head house building and a performing arts center. The storage tank will receive up to 3 million gallons of combined sewer overflows diverted during peak rain events, which will later be returned to the intercepting sewer for subsequent treatment at PWD's Southwest WWTP. The project location is Venice Island, between the Cotton Street and Lock Street bridges, in the Manayunk Section of the City of Philadelphia,

Pennsylvania. The project is subject to review as a "Class II" project in accordance with DRBC's Flood Plain Regulations. Class II projects include any development of land—whether residential or non-residential—within a flood hazard area located in a non-tidal portion of the basin, where such development contains more than 25 dwelling units or includes one or more structures covering a total land area of more than 50,000 square feet. Venice Island lies within a flood hazard area, defined by DRBC Flood Plain Regulations as the area inundated by a regulatory flood.

19. *Borough of Bryn Athyn D-2008-13 CP-1*. An application for approval of the existing 0.065 mgd Academy of the New Church WWTP. The WWTP discharges to an unnamed tributary of Huntingdon Valley Creek, which is a tributary of the Pennypack Creek in Bryn Athyn Borough, Montgomery County, Pennsylvania.

20. *Omega Homes, Villa Crossing D-2008-20-1*. An application for approval to construct the new 90,000 gpd Villas Crossing WWTP. The WWTP will discharge to Mahoning Creek, a cold water fishery that flows into the Lehigh River, a tributary of the section of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The project is located in West Penn Township, Schuylkill County, Pennsylvania.

The business meeting also will include adoption of the Minutes of the Commission's May 14, 2008 business meeting; announcements of upcoming advisory committee meetings and other events; a report on hydrologic conditions in the basin; a report by the Executive Director; and a report by the Commission's General Counsel. At the Commission's meeting on May 14, 2008 the Commissioners deferred until July 16 a vote on proposed amendments to the Commission's Water Quality Regulations and Comprehensive Plan to permanently classify the Lower Delaware River as a Special Protection Water and clarify certain aspects of the rule. Accordingly, this matter also will be before the Commissioners during the July Business Meeting. In addition, the meeting will include a public hearing on a resolution approving the 2008-2013 Water Resources Program; a resolution authorizing the Executive Director to enter into an agreement for actuarial services to re-evaluate anticipated costs associated with General Accounting Standards Board Statement No. 45; a resolution for the minutes authorizing the Executive Director to execute a contract with the lowest responsible bidder for

modifications to the HVAC system in the Commission's West Trenton office building; and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on July 16, 2008 will be posted on the Commission's Web site, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at 609-883-9500, extension 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the commission secretary directly at 609-883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate your needs.

Dated: June 20, 2008.

**Pamela M. Bush,**

*Commission Secretary.*

[FR Doc. E8-14497 Filed 6-25-08; 8:45 am]

BILLING CODE 6360-01-P

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## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Information Collection Requests.

**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:** An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by June 27, 2008.

**ADDRESSES:** Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Bridget Dooling, Desk Officer, Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (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 this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. 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. ED 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 respondents, including through the use of information technology.

Dated: June 23, 2008.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

#### **Federal Student Aid**

*Type of Review:* New.

*Title:* Documents Associated with the Notice of Terms and Conditions of Purchase of Loans under the Ensuring Continued Access to Student Loans Act of 2008.

*Abstract:* As one of several measures intended to address concerns about the availability of loans under the Federal Family Education Loan (FFEL) Program during the 2008–2009 academic year, the Ensuring Continued Access to

Student Loans Act of 2008 (ECASLA) provides the Department of Education (the Department) with temporary authority to purchase student loans from FFEL Program lenders. The documents included in this collection set forth the terms and conditions of the loan purchase program authorized by the ECASLA and collect the information from lenders that is required by the Department to administer the program.

#### **Additional Information**

The U.S. Department of Education (Department) requests that OMB grant an emergency clearance by June 27, 2008 for Loan Purchase Program information collection documents associated with the newly authorized authority to purchase loans, as per the Ensuring Continued Access to Student Loans Act of 2008 (“ECASLA”):

1. Master Participation Agreement, with exhibits;
2. Master Loan Sale Agreement, with exhibits; and
3. Additional documents forthcoming specifying data intended to be collected.

Section 459A of the Higher Education Act (“HEA”), signed into law on May 7, 2008, provides that the Secretary of Education, the Secretary of the Treasury, and the Director of the Office of Management and Budget must jointly determine the terms and conditions of this newly authorized loan purchase program. These information collection documents set forth those terms and aid in the administration of the program.

The Loan Purchase Program was established under the HEA by the ECASLA. Congress passed this law to remedy market conditions threatening the ability of student lenders to make student loans for the 2008–2009 academic year. While loans for the academic year can be originated as early as May, the bulk of originations occur during the period from July through August. To ensure that student lenders are able to utilize the Loan Purchase Program, the Documents must be reviewed by lenders in advance of final publication of the Notice of Terms and Conditions of Purchase of Loans under the Ensuring Continued Access to Student Loans Act of 2008. As such, the lending community must have final, approved versions of the Documents no later than June 27, 2008 to ensure that they will be able to utilize the Loan Purchase Program in time for the 2008–2009 academic year. The Department thus requests emergency clearance because the regular clearance process would not enable us to make an OMB-approved set of Documents available to lenders seeking to make student loans during the 2008–2009 academic year.

Upon receiving emergency clearance of the Documents, the Department will submit the ECASLA Loan Purchase Program documents for regular clearance process, including notice of a 60-day public comment period.

*Frequency:* On Occasion.

*Affected Public:* Businesses or other for-profit.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 9,650.

*Burden Hours:* 22,800.

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 3748. 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 the Internet address [ICDocketMgr@ed.gov](mailto: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](mailto: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. E8–14540 Filed 6–25–08; 8:45 am]

BILLING CODE 4000–01–P

## **DEPARTMENT OF EDUCATION**

### **Institute of Education Sciences; Overview Information; Statewide Longitudinal Data Systems Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009**

Catalog of Federal Domestic Assistance (CFDA) Number: 84.372A.

*Dates: Applications Available:* June 26, 2008 (Request for Applications (RFA)). August 4, 2008 (application package).

*Deadline for Transmittal of Applications:* September 25, 2008.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

*Purpose of Program:* The purpose of the grant program for statewide longitudinal data systems is to promote the generation and accurate and timely use of data that are needed to: (1)

Comply with the Elementary and Secondary Education Act of 1965, as amended, and other reporting requirements, and (2) facilitate analyses and research to improve student academic achievement and close achievement gaps. This purpose is served by providing assistance to State educational agencies to enable them to design, develop, and implement statewide, longitudinal data systems to manage, analyze, disaggregate, and use individual student data. States may apply for funds to address the following purposes: (1) Develop and implement such statewide longitudinal data systems; (2) expand K–12 longitudinal data systems to include preschool data, teacher data, finance data, and any other K–12 data not yet included in their systems; (3) create interoperability with postsecondary data systems or create consolidated P–16 data systems, in a manner consistent with the requirements of the Family Educational Rights and Privacy Act; and (4) import workforce data from other sources. The capacity to examine longitudinal data that include postsecondary and workforce information will enhance the ability of State educational agencies to evaluate the effectiveness of their elementary and secondary education programs.

**Program Authority:** 20 U.S.C. 9607.

**Applicable Regulations:** The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 77, 80, 81, 82, 84, 85, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217, 75.219, 75.220, 75.221, 75.222, and 75.230.

## II. Award Information

**Type of Award:** Cooperative agreements.

**Estimated Available Funds:** The Administration has requested \$100,000,000 for this program in FY 2009, of which it intends to make available \$94,000,000 for new Statewide Longitudinal Data Systems grant awards. Although Congress has not enacted a final appropriation for FY 2009, the Institute is inviting applications for this competition now so that it may be prepared to make awards following final action on the Department's appropriations bill. The actual award of grants will depend on the availability of funds.

**Estimated Average Size of Awards:** \$3,000,000 to \$9,000,000 for the entire project period.

**Estimated Number of Awards:** The number of awards made under this competition will depend upon the quality of the applications received.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Two to five years.

## III. Eligibility Information

1. **Eligible Applicants:** Eligible applicants are limited to SEAs.

2. a. **Cost Sharing or Matching:** This competition does not require cost sharing or matching.

b. **Supplement-Not-Supplant:** This competition involves supplement-not-supplant funding requirements. Funds made available under this grant program are to supplement, and not supplant, other State or local funds used for developing or improving State data systems. The grants are expected to assist SEAs in their efforts to design, develop, and implement statewide longitudinal data systems, but not to supplant State and local funds. That is, the Institute of Education Sciences expects grant funding to augment existing State and local funds devoted to this effort.

## IV. Application and Submission Information

1. **RFA and Other Information:** Information regarding program and application requirements for this competition will be contained in the NCES RFA package, which will be available on June 26, 2008, at the following Web site: <http://ies.ed.gov/funding/>.

2. **Application Package:** The application package with forms and instructions for applying to this competition will be available no later than August 4, 2008, at <http://www.Grants.gov> (see section V of this notice).

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person listed under *Alternative Format* in section IX of this notice.

**Note:** Interested potential applicants should periodically check the Institute's Web site at <http://ies.ed.gov/funding/>.

3. **Submission Requirements:** Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic

submission requirement, please refer to section V. *Submission of Applications* 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.

## V. Submission of Applications

Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. **Electronic Submission of Applications.**

Applications for grants under the Statewide Longitudinal Data Systems competition, CFDA Number 84.372A, must be submitted electronically using 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.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Statewide Longitudinal Data Systems competition at <http://www.Grants.gov>. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.372, not 84.372A).

Please note the following:

- 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](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 qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- 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).

- You must attach any narrative sections of your application as files in .PDF (Portable Document) format. If you upload a file type other than the file type 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 VIII 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.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax

your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Elizabeth Payer, U.S. Department of Education, 555 New Jersey Avenue, NW., room 602C, Washington, DC 20208. FAX: (202) 219-1466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. 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: 84.372A), 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: 84.372A), 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 qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You 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: 84.372A), 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 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—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.

**VI. Application Review Information**

*Selection Criteria:* Information regarding selection criteria and review procedures for this competition will be provided in the RFA package.

**VII. 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 Notice (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 this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the

Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* To evaluate the overall success of this program, the Institute will determine at the end of each grant whether the SEA has in operation a statewide longitudinal data system. Grantees will be expected to report in annual and final reports on the status of their development and implementation of these systems.

5. *Grant Administration:* Applicants should budget for a two-day meeting for project directors to be held in Washington, DC.

**VIII. Agency Contact**

**FOR FURTHER INFORMATION CONTACT:** Tate Gould, U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW., room 9023, Washington, DC 20006-5651. Telephone: (202) 219-7080 or via Internet: [Tate.Gould@ed.gov](mailto:Tate.Gould@ed.gov).

If you use a TDD, call the Federal Relay Service, toll free, at 1-800-877-8339.

**IX. Other Information**

*Alternative Format:* Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VIII in this notice.

*Electronic Access to This Document:* You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO

Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: June 20, 2008.

**Grover J. Whitehurst**,  
 Director, Institute of Education Sciences.  
 [FR Doc. E8-14534 Filed 6-25-08; 8:45 am]  
**BILLING CODE 4000-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. IC08-523-001, FERC-523]

**Commission Information Collection Activities, Proposed Collection; Comment Request; Submitted for OMB Review**

June 19, 2008.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review of this information collection requirement. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of February 26, 2008 (73 FR 10236-10237) and has made this notation in its submission to OMB.

**DATES:** Comments on the collection of information are due by July 21, 2008.

**ADDRESSES:** Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs,

Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, *c/o oira\_submission@omb.eop.gov* and include the OMB Control No. (1902-0043) as a point of reference. The Desk Officer may be reached by telephone at 202-395-7345. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Executive Director, ED-34, Attention: Michael Miller, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings, such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC08-523-001. Documents filed electronically via the Internet must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission submission guidelines. Complete filing instructions and acceptable filing formats are available at (<http://www.ferc.gov/help/submission-guide/electronic-media.asp>). To file the document electronically, access the Commission's Web site and click on Documents & Filing, E-Filing (<http://www.ferc.gov/docs-filing/efiling.asp>), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the "eLibrary" link. For user assistance, contact *fercolinesupport@ferc.gov* or toll-free at (866) 208-3676 or for TTY, contact (202) 502-8659.

**FOR FURTHER INFORMATION CONTACT:** Michael Miller may be reached by

telephone at (202) 502-8415, by fax at (202) 273-0873, and by e-mail at *michael.miller@ferc.gov*.

**SUPPLEMENTARY INFORMATION:** The information collection under the requirements of FERC-523 "Applications for Authorization of Issuance of Securities."

Under Federal Power Act (FPA) section 204, 16 U.S.C. 824c:

"No public utility or licensee shall issue any security, or assume any obligation or liability as guarantor, indorser, surety, or otherwise in respect of any security of another person, unless and until, and then only to the extent that, upon application by the public utility, the Commission by order authorized such issue or assumption of the liability. The Commission shall make such order if it finds that such issue or assumption (a) is for lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.\* \* \*

The Commission uses the information contained in filings to determine its acceptance and/or rejection for granting applications for authorization to either issue securities or to assume an obligation or liability by the public utilities and their licensees who make these applications.

The Commission implements this statute through its regulations, which are found at 18 CFR part 34; sections 131.43 and 131.50 of 18 CFR Part 131 prescribe the required format for the filings. The information is filed electronically.

**Action:** The Commission is requesting a three-year extension of the current expiration date with no changes to the current reporting requirements.

**Burden Statement:** Public reporting burden for this collection is estimated as:

Number of responses annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
60	1	88	5280

The estimated total cost to respondents is \$320,821 [5,280 hours divided by 2080 hours<sup>1</sup> times \$126,384<sup>2</sup> equals \$320,821]. The cost of filing FERC-523, per respondent, is \$5,347 (rounded-off).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, using technology and systems for the purposes of collecting, validating, verifying, processing, maintaining,

disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable filing instructions and requirements; (4) training personnel to respond to this collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise

<sup>1</sup> Number of hours an employee works each year.

<sup>2</sup> Average annual salary per employee 3.

disclosing the information. The cost estimate for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on the accuracy of the agency's burden estimate of the proposed information collection, including the validity of the methodology and assumptions used to calculate the reporting burden; and ways to enhance the quality, utility and clarity of the information to be collected.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-14451 Filed 6-25-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 6885-009]

#### Richard Moss; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protest

June 19, 2008.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* A Subsequent License (Minor Project).

b. *Project No.:* 6885-009.

c. *Date Filed:* January 31, 2008.

d. *Applicant:* Richard Moss.

e. *Name of Project:* Cinnamon Ranch Hydroelectric Project.

f. *Location:* On Middle Creek and Birch Creek, in the Hammil Valley area of Mono County, near the Town of Benton, California. The project occupies 0.13 acre of Forest Service lands within Inyo National Forest and 7.4 acres of lands administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Don Moss, 8381 Foppiano Way, Sacramento, CA 95829, 916-715-6023.

i. *FERC Contact:* Gaylord Hoisington, (202) 502-6032 or [gaylord.hoisington@FERC.gov](mailto:gaylord.hoisington@FERC.gov).

j. *Deadline for filing motions to intervene and protests and requests for*

*cooperating agency status:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The existing operating project was built in 1960 and has been furnishing electric power to the Cinnamon ranch since that time. The project consists of: (1) Two existing diversion flumes; (2) a 5,940-foot-long penstock; (3) a powerhouse containing a turbine and generator for a total installed capacity of 150 kilowatts; and (4) a 5,176-foot-long, 12 kilovoltV transmission line. The project is estimated to generate an average of 421,184 kilowatt-hours annually. The dam and existing project facilities are owned by the applicant. The applicant proposes no changes to facilities or operations.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at

[FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) Bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-14453 Filed 6-25-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. P-2244-022]

#### Energy Northwest; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

June 19, 2008.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P-2244-022.

c. *Date filed:* February 25, 2008.

d. *Applicant:* Energy Northwest.

e. *Name of Project:* Packwood Lake Hydroelectric Project.

f. *Location:* The existing project is on Lake Creek, a tributary to Cowlitz River, in Lewis County in southwestern Washington near the unincorporated town of Packwood. The upper portion of the lake lies within the Goat Rocks Wilderness Area. The project occupies

511.65 acres of United States Forest Service land, 23.66 acres of Energy Northwest-owned land, 8.78 acres of Washington State lands, and 1.52 acres of Lewis County Public Utility District lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Jack W. Baker, Vice President, Energy Northwest, Mail Drop 1035, P.O. Box 968, Richland, WA 99352–0968; telephone (509) 377–5078, or e-mail at [jwbaker@energy-northwest.com](mailto:jwbaker@energy-northwest.com); or D.L. Ross, Energy Northwest, Mail Drop 1030, P.O. Box 968, Richland, WA 99352–0968.

i. *FERC Contact:* Kenneth Hogan, telephone (202) 502–8464, or e-mail at [kenneth.hogan@ferc.gov](mailto:kenneth.hogan@ferc.gov).

j. The deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice (August 18, 2008) reply comments are due 105 days from the issuance date of this notice (October 2, 2008).

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project.

Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted and is ready for environmental analysis at this time.

l. Project description: The existing project consists of the following: (1) An intake canal, a concrete drop structure (dam), intake building on Lake Creek located about 424 feet downstream from the outlet of Packwood Lake, a 21,691-foot system of concrete pipe and tunnels, a 5,621-foot penstock, a surge tank, and a powerhouse with a 26.1-megawatt turbine generator; (2) a 452-acre reservoir (Packwood Lake) at a normal full pool elevation of 2,857 feet above mean sea level with approximately 4,162 acre-feet of usable

storage; and (3) appurtenant facilities. The average annual generation at the project is about 90,998 megawatt-hours.

The applicant proposes a modified reservoir operational regime and higher instream flow releases to the bypassed reach on Lake Creek. Several other proposed measures for the project include: (1) Developing and implementing a stream restoration and enhancement plan in the anadromous zone in lower Lake Creek; (2) improving fish passage on Snyder Creek where it crosses the tailrace canal; (3) maintaining and monitoring of tailrace fish barrier; and (4) developing and implementing numerous resource protection and enhancement plans.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary link". Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

All filings must: (1) Bear in all capital letters the title "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the

water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E8–14452 Filed 6–25–08; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

June 19, 2008.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER96–2830–008.

*Applicants:* Washington Gas Energy Services, Inc.

*Description:* Washington Gas Energy Services, Inc in compliance with Order 697 and 697–A submits their request for Category I Status.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619–0113.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER99–2948–014; ER00–2918–013; ER00–2917–013; ER05–261–006; ER01–1654–015; ER02–2567–013; ER05–728–006; ER04–485–010; ER01–556–012; ER07–247–005; ER07–245–005; ER07–244–005.

*Applicants:* Baltimore Gas and Electric Company; Constellation Power Source Generation LLC; Calvert Cliffs Nuclear Power Plant, Inc.; Constellation Energy Commodities Group; Nine Mile Point Nuclear Station, LLC; Constellation NewEnergy, Inc.; Constellation Energy Commodities Group Maine, LLC; R.E. Ginna Nuclear Power Plant, LLC; Handsome Lake Energy, LLC; Raven One, LLC; Raven Two, LLC; Raven Three, LLC.

*Description:* Constellation MBR Entities submits a notice of change in status regarding the recent acquisition of a 200 MW generating facility in West Valley, Utah by their affiliate, CER Generation II, LLC.

*Filed Date:* 06/17/2008.

*Accession Number:* 20080619–0015.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 08, 2008.

*Docket Numbers:* ER06–864–011; ER07–1356–003; ER07–1112–002; ER07–1113–002; ER07–1115–002; ER07–1116–002; ER07–1117–002; ER07–1358–003; ER07–1118–002; ER07–1119–002; ER07–1120–002;

ER07-1122-002; ER06-1543-008; ER00-2885-018; ER01-2765-017; ER05-1232-010; ER02-1582-015; ER08-148-002; ER02-1785-016; ER02-2102-017; ER03-1283-012.

*Applicants:* Bear Energy LP; BE Alabama LLC; BE Allegheny LLC; BE CA LLC; BE Colquitt LLC; BE Ironwood LLC; BE KJ LLC; BE Louisiana LLC; BE Rayle LLC; BE Red Oak LLC; BE Satilla LLC; BE Walton LLC; Brush Cogeneration Partners; Cedar Brakes I, L.L.C.; Cedar Brakes II, LLC; JPMorgan Ventures Energy Corporation; Mohawk River Funding IV, L.L.C.; Thermo Cogeneration Partnership LP; Utility Contract Funding, L.L.C.; Vineland Energy LLC.

*Description:* JP Morgan Affiliates informs the Commission of a non-material departure from the characteristics relied upon pursuant to Order 697 and 697-A.

*Filed Date:* 06/16/2008.

*Accession Number:* 20080619-0014.

*Comment Date:* 5 p.m. Eastern Time on Monday, July 07, 2008.

*Docket Numbers:* ER06-1474-006.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* PJM Interconnection, LLC submits their third compliance filing to further clarify its economic transmission planning process and amend Schedule 6 of the Amended and Restated Operating Agreement.

*Filed Date:* 06/16/2008.

*Accession Number:* 20080619-0013.

*Comment Date:* 5 p.m. Eastern Time on Monday, July 07, 2008.

*Docket Numbers:* ER07-478-007.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc submits revisions to their Open Access Transmission and Energy Markets Tariff, in compliance with FERC's 5/16/08 order.

*Filed Date:* 06/16/2008.

*Accession Number:* 20080617-0106.

*Comment Date:* 5 p.m. Eastern Time on Monday, July 07, 2008.

*Docket Numbers:* ER08-937-001.

*Applicants:* Westar Energy, Inc.

*Description:* Westar Energy, Inc submits Substitute Original Sheet 2 of the Supplemental Generation Agreement.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0012.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER08-1113-000.

*Applicants:* California Independent System Operator Corporation.

*Description:* California Independent System Operator Corp submits proposed

tariff revisions to the current ISO Tariff and the Market Redesign and Technology Upgrade Tariff.

*Filed Date:* 06/17/2008.

*Accession Number:* 20080619-0017.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 08, 2008.

*Docket Numbers:* ER08-1114-000.

*Applicants:* ALLETE, Inc.

*Description:* ALLETE, Inc requests withdrawal of Second Revised Rate Schedule 179 and 180.

*Filed Date:* 06/17/2008.

*Accession Number:* 20080619-0009.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 08, 2008.

*Docket Numbers:* ER08-1115-000.

*Applicants:* Northern Virginia Electric Cooperative.

*Description:* Northern Virginia Electric Cooperative's petition for acceptance of initial rate schedule, waivers and blanket authority.

*Filed Date:* 06/17/2008.

*Accession Number:* 20080619-0010.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 08, 2008.

*Docket Numbers:* ER08-1116-000

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc submits a Transmission to Transmission Interconnection Agreement with Minnesota Power.

*Filed Date:* 06/17/2008.

*Accession Number:* 20080619-0008.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 08, 2008.

*Docket Numbers:* ER08-1118-000.

*Applicants:* Southern Company Services, Inc.

*Description:* Alabama Power Co et al. submits an Amendment Agreement with South Carolina Electric & Gas Company and Southern Companies.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0007.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER08-1119-000.

*Applicants:* The American Electric Power Service Corp.

*Description:* AEP Operating Companies submits the First Revised Interconnection and Local Delivery Service Agreement 1447 with City of Bluffton.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0006.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER08-1121-000.

*Applicants:* Royal Bank of Canada.

*Description:* Application of Royal Bank of Canada for an order accepting Initial Rate Schedule FERC 1, Waiving

Regulations, Granting Blanket Approvals and Expedited Action under ER08-1121.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0116.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER08-1122-000.

*Applicants:* PacifiCorp.

*Description:* PacifiCorp submits an Engineering and Procurement Agreement dated 5/28/08 with Green Wing Pacific Energy Corp, designated as Service Agreement 461, Seventh Revised Volume 11 etc.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0112.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER08-1123-000.

*Applicants:* Wisconsin Public Service Corporation.

*Description:* Wisconsin Public Service Corp submits First Revised Sheet 2 et al. to FERC Electric Rate Schedule 78 to the 10/5/07 Dynamic Scheduling Agreement and Intermittent Resource Regulation with Forward Energy LLC, effective 4/1/08.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0117.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Docket Numbers:* ER08-1124-000.

*Applicants:* California Independent System Operator Corp.

*Description:* California Independent System Operator Corp's Motion for clarification, or in the alternative, petition for waiver and request for shortened comment period.

*Filed Date:* 06/17/2008.

*Accession Number:* 20080619-0118.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 08, 2008.

*Take notice that the Commission received the following electric securities filings:*

*Docket Numbers:* ES08-51-000.

*Applicants:* MDU Resources Group, Inc.

*Description:* MDU Resources Group, Inc submits an application for authority to issue an additional 6,006,218 shares of Company Common Stock.

*Filed Date:* 05/30/2008.

*Accession Number:* 20080603-0083.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 27, 2008.

*Take notice that the Commission received the following open access transmission tariff filings:*

*Docket Numbers:* OA07-19-003;

OA07-43-004; ER07-1171-004.

*Applicants:* Arizona Public Service Company.

*Description:* Arizona Public Service Company submits further information re

its mechanism for distributing the penalties collected for generator and energy imbalances etc under OA07-19 et al.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080619-0115.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 09, 2008.

*Take notice that the Commission received the following PURPA 210(m)(3) filings:*

*Docket Numbers:* QM08-6-000.

*Applicants:* Allegheny Power.

*Description:* Application to Terminate Purchase Obligation.

*Filed Date:* 06/18/2008.

*Accession Number:* 20080618-5051.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 16, 2008.

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 docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. E8-14508 Filed 6-25-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL08-70-000]

#### **Canandaigua Power Partners, LLC, Complainant, v. New York Independent System Operator, Inc. Respondent; Notice of Complaint**

June 18, 2008.

Take notice that on June 17, 2008, Canandaigua Power Partners, LLC (CPP) filed this complaint pursuant to Rule 206 of the Commission's Rules of Practice and Procedure and section 206 of the Federal Power Act, 16 U.S.C. 824e, seeking an order requiring the New York Independent System Operator, Inc. (NYISO) to interpret its Open Access Transmission Tariff (Tariff) to create a Headroom account for certain system protection facilities that are qualifying System Upgrade Facilities under its Tariff. In the alternative, CPP ask that the Commission find that the Tariff is unjust, unreasonable and unduly burdensome and the NYISO must make a Tariff filing implementing changes to Tariff Attachment S to properly calculate, credit and assess Headroom to system protection facilities under the NYISO's cost allocation process.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of Respondent's answer, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time on July 7, 2008.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-14450 Filed 6-25-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL08-34-001; EL08-47-001]

#### **PJM Interconnection, L.L.C.; Notice of Filing**

June 19, 2008.

Take notice that on June 16, 2008, PJM Interconnection, L.L.C. filed a revised Schedule 1 to its PJM Operating Agreement in compliance with the Commission's May 16, 2008 Order. *PJM Interconnection, L.L.C.*, 123 FERC ¶ 61,169.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time on July 1, 2008.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-14448 Filed 6-25-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP08-428-000]

#### Venice Gathering System, LLC; Notice of Filing

June 19, 2008.

Take notice that on June 18, 2008, Venice Gathering System, LLC (VGS), 1000 Louisiana, Suite 4300, Houston, Texas 77002, filed an application, pursuant to Section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's Rules and Regulations, requesting approval of the abandonment in-place of certain pipeline facilities currently operating as part of its offshore pipeline system, in Venice, Louisiana (VGS Lateral). The application is on file with the Commission and open for public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll

free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The VGS Lateral is a 20-inch pipeline, 26.2 miles in length, from the South Timbalier 35-D Platform to a subsurface tie-in at the 26-inch pipeline in Grand Isle 71. The abandonment of the VGS Lateral also includes smaller laterals attached to the VGS Laterals. The VGS Lateral has deteriorated significantly, and was significantly damaged by Hurricane Rita in 2005. The facilities are no longer required by VGS to meet its service obligations, and all shippers who received service on the facilities during the last 18 months have consented to the proposed abandonment. The VGS Lateral will be flushed to remove all hydrocarbons and will be filled with inhibited seawater prior to final abandonment in-place.

Any questions regarding the application are to be directed to Cary F. Loughman, Venice Gathering System, LLC, 1000 Louisiana, Suite 4300, Houston, TX 77002; phone number (783) 584-1523 or by e-mail at [cloughman@targaresources.com](mailto:cloughman@targaresources.com).

Any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper, see, 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

*Comment Date:* July 3, 2008.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-14447 Filed 6-25-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL08-68-000]

#### WestConnect; Notice of Filing

June 19, 2008.

Take notice that on June 10, 2008, pursuant to Rule 207 of the Rules of Practice and Procedure of the Commission, 18 CFR 385.207, WestConnect filed a "Petition for Declaratory Order Relating To Its Proposed Two-Year Experimental Regional Transmission Pricing Initiative," requesting that the Commission provide guidance with respect to the structure and implementation of WestConnect's proposed two-year experimental regional transmission pricing initiative.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time on July 10, 2008.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E8-14449 Filed 6-25-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF08-17-000]

#### Maritimes & Northeast Pipeline L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Maritimes Phase V Project and Request for Comments on Environmental Issues

June 19, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will address the environmental impacts of the Maritimes Phase V Project proposed by Maritimes & Northeast Pipeline, L.L.C. (Maritimes). The Commission will use the EA in its decision-making process to determine whether or not to authorize the project. This notice explains the scoping process we<sup>1</sup> will use to gather environmental input from the public and interested agencies on the projects. Your input will help the Commission determine the issues that need to be evaluated in the EA. Please note that the scoping period will close on July 21, 2008.

Details on how to submit written comments are provided in the Public Participation section of this notice.

This Notice of Intent to Prepare an Environmental Assessment for the Proposed Maritimes Phase V Project (NOI) is being sent to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Native American tribes; and other interested parties; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed project facilities. Each pipeline company would seek to

negotiate a mutually acceptable agreement for its project. However, if the projects are approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility on My Land? What Do I Need To Know?" is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the FERC's proceedings.

#### Summary of the Proposed Project

Maritimes proposes to construct, own, operate, and maintain certain natural gas transportation facilities within the states of Maine and Massachusetts. The general locations of the proposed pipeline and compression facilities are shown in the figures included as Appendix 1.<sup>2</sup>

The purpose of the project is to provide transportation service for gas from a new gas field ("Deep Panuke") located offshore of Nova Scotia to the New England market area. The Maritimes Phase V Project would increase the capacity of Maritimes existing system by about 250,000 dekatherms per day.

Maritimes proposes to construct:

- About four miles of 36-inch-diameter pipeline loop (Richmond Loop) extending south from the existing Richmond Compressor Station in Sagadahoc County, Maine; and
- A fenced loop terminus site at the southern end of the Richmond Loop which would include a pig receiver and valves.

Maritimes would add compression and modify the following compressor stations in Maine:

- Baileyville Compressor Station (existing)—additional 8,960 horsepower (HP) of compression, additional cooling, and restaging of existing compressor units (Washington County);

<sup>2</sup>The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the "eLibrary" link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary refer to the Public Participation section of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to Maritimes.

- Woodchopping Ridge Compressor Station (under construction)—additional 8,960 HP of compression, additional cooling, and restaging of existing compressor unit (Hancock County);

- Brewer Compressor Station (under construction)—additional 8,960 HP of compression, additional cooling, and restaging of existing compressor unit (Penobscot County);

- Searsmont Compressor Station (under construction)—additional 8,960 HP of compression, additional cooling, and restaging of existing compressor unit (Waldo County);

- Richmond Compressor Station (existing)—additional 8,960 HP of compression, additional cooling, and restaging of existing compressor units (Sagadahoc County); and

- Eliot Compressor Station (under construction)—additional 18,085 HP of compression, additional cooling, and restaging of existing compressor unit (York County).

In addition, Maritimes would:

- Install additional meter and regulator runs and replace equipment at the existing Dracut Meter Station (Middlesex County, Massachusetts); and
- Uprate the Maximum Allowable Operating Pressure on the existing 24-inch-diameter pipeline from 1,440 pounds per square inch gauge (psig) to 1,600 psig between the Baileyville Compressor Station and the Westbrook Compressor Station. This uprate would require the modification of the existing valves and meter stations at 23 locations along the existing pipeline. No ground disturbance would be required at 18 of the locations.<sup>3</sup>

Work at the compressor stations is proposed to begin in July 2009. Construction of the Richmond Loop and the other modifications are proposed to begin in 2010. The proposed in-service date for the Phase V facilities is November 1, 2010.

#### Land Requirements for Construction

Construction of the Richmond Loop would disturb about 50 acres of land. After construction Maritimes would retain 11.9 acres as new permanent right-of-way.

Generally, the width of the proposed construction right-of-way for the

<sup>3</sup>Maritimes does not expect excavation to be necessary at most of the uprate facilities. Maritimes has identified five locations that would require excavation: The Veazie Tap Valve (Penobscot County, Maine); the Orrington Meter Station and associated valve (Penobscot County, Maine); the Bowdoin Meter Station and associated valve (Sagadahoc County, Maine); the Lewiston Meter Station and associated valve (Cumberland County, Maine); and the Westbrook PNGTS Inlet Meter Station (Cumberland County, Maine).

<sup>1</sup>"We," "us," and "our" refer to the environmental staff of the FERC's Office of Energy Projects.

Richmond Loop would be 105 feet. The construction right-of-way would consist of: the 50-foot-wide permanent right-of-way for the existing 24-inch-diameter pipeline; a new 25-foot-wide permanent right-of-way for the loop (which would abut the existing permanent right-of-way); and a 30-foot-wide temporary right-of-way. The construction right-of-way would be reduced in areas containing sensitive resources such as wetlands and stream banks.

Work at the aboveground facilities (compressor stations, meter stations, and valves) would take place within the existing fence line of the facility except for the Orrington Meter Station and the Richmond Compressor Station.

Additional temporary extra workspaces beyond the typical construction right-of-way limits would be required at certain feature crossings (e.g., roads, railroads, wetlands, or waterbodies, utilities), in areas with steep side slopes, in association with special construction techniques and for topsoil segregation. Maritimes would access its project construction areas primarily along the existing pipeline right-of-way and existing roads; however, other access roads may be required during construction. One new permanent access road would access the Richmond Loop terminus site.

#### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action when it considers whether or not an interstate natural gas pipeline should be approved. The FERC will use the EA to consider the environmental impact that could result if the Projects are authorized under section 7 of the Natural Gas Act. NEPA also requires us to discover and address concerns the public may have about proposals to be considered by the Commission. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. With this Notice of Intent, the Commission staff is requesting public comments on the scope of the issues to be addressed in the EA. All comments received will be considered during preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Land use;

- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Threatened and endangered species;
- Air quality and noise;
- Hazardous waste; and
- Public safety.

In the EA, we will also evaluate possible alternatives to the proposed projects or portions of the projects, and make recommendations on how to lessen or avoid impacts on affected resources.

Although no formal application has been filed, the FERC staff has already initiated its NEPA review under its NEPA Pre-filing Process. The purpose of the Pre-filing Process is to encourage the early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC.

With this NOI, we are asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA (see Appendix 2). These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions in Appendix 2 of this NOI.

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about the Maritimes Phase V Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before July 21, 2008.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number PF08-17-000 with your submission. The docket number can be found on the front of this notice. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202-502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov).

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's internet Web site at

<http://www.ferc.gov> under the link to Documents and Filings. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's internet Web site at <http://www.ferc.gov> under the link to Documents and Filings. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "Sign up" or "eRegister." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing;" or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

Label one copy of the comments for the attention of Gas Branch 2, PJ11.2.

#### Environmental Mailing List

We might mail the EA for comment. If you are interested in receiving it, please return the Mailing List Retention Form (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

#### Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC (3372) or on the FERC Internet Web site (<http://www.ferc.gov>) using the "eLibrary link." Click on the eLibrary link, select "General Search" and enter the project docket number excluding the last three digits (PF08-17) in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or TTY, contact (202) 502-8659. The eLibrary link on the FERC Internet website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with

notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Maritimes has also established an Internet Web site for the Maritimes Phase V Project at: <http://www.mnpp.com/USA/new.htm>. The Maritimes Web site includes contact information and information about its proposed project. You may also use Maritimes' toll free telephone number, 1-800-738-4880.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E8-14454 Filed 6-25-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP08-392-000 and 001]

#### Texas Gas Transmission, LLC; Notice of Extended Comment Period

June 18, 2008.

Take notice that on June 17, 2008, Texas Gas Transmission, LLC (Texas Gas) filed a request to change the effective date of its filing submitted on May 30, 2008 in Docket No. RP08-392-000 (Third Revised Volume No. 1) from July 1, 2008 to September 15, 2008. Texas Gas' May 30, 2008 filing included a provision that allowed its customers to comment on its May 30, 2008 filing for 90 days after the May 30, 2008 filing date. The comment period is being extended until August 27, 2008 to provide an additional comment period.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time on August 27, 2008.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E8-14446 Filed 6-25-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP08-421-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

June 19, 2008.

Take notice that on June 13, 2008, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP08-421-000, a prior notice request pursuant to sections 157.205, 157.208, and 157.212 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to construct and operate two new receipt points to receive revaporized liquefied natural gas (LNG), located in Calcasieu Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call

toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, Transco proposes to construct and operate two new receipt points in Calcasieu Parish, Louisiana, one on Transco's main line, the Starks Interconnect, and one on Transco's Southwest Louisiana Lateral, the Southwest Interconnect, to receive revaporized LNG from the Golden Pass LNG terminal in Jefferson County, Texas, by way of the Golden Pass Pipeline LLC (Golden Pass) pipeline. The facilities Transco proposes to construct at the Starks Interconnect will include a meter station, custody transfer electronic flow measurement, control valve facility, 20-inch yard piping, 20-inch overpressure protection valve, and a 20-inch tap on Mainlines A and B, and the Southwest Interconnect will include a meter station, custody transfer electronic flow measurement, control valve facility, 24-inch yard piping, 24-inch overpressure protection valve, and a 24-inch tap on the Southwest Louisiana Lateral. Transco estimates the cost of construction to be approximately \$8.8 million. Transco states that Golden Pass will reimburse Transco for all costs associated with such facilities. Transco asserts that the new receipt points will provide Transco with the ability to receive up to 683 MMcf/d of revaporized LNG from Golden Pass into Transco's mainlines A and B and up to 1,000 MMcf/d of revaporized LNG from Golden Pass into Transco's Southwest Louisiana Lateral.

Any questions regarding the application should be directed to Bill Hammons, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, at (713) 215-2130.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii)

and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

**Kimberly D. Bose,**

Secretary.

[FR Doc. E8-14455 Filed 6-25-08; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2007-1197; FRL-8685-7]

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Proposed Collection; Comment Request; Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules (Renewal); EPA ICR No. 1896.08, OMB Control No. 2040-0204

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before July 28, 2008.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OW-2007-1197 to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to OW-Docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket, MC: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Richard Naylor, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-564-3847; fax number: 202-564-3755; e-mail address: [naylor.richard@epa.gov](mailto:naylor.richard@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for

review and approval according to the procedures prescribed in 5 CFR 1320.12. On February 15, 2008 (73 FR 8865), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received two comments during the comment period, which are addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2007-1197, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

**Title:** Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides Rule (Renewal).

**ICR numbers:** EPA ICR No. 1896.08, OMB Control No. 2040-0204.

**ICR Status:** This ICR is scheduled to expire on June 30, 2008. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other

appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** The Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules ICR examines public water system (PWS), primacy agency and EPA burden and costs for recordkeeping and reporting requirements in support of the chemical drinking water regulations. These recordkeeping and reporting requirements are mandatory for compliance with 40 CFR parts 141 and 142. The following chemical regulations are included: Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR), Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR), Chemical Phase Rules (Phases II/IIB/V), 1976 Radionuclides Rule and 2000 Radionuclides Rule, Total Trihalomethanes (TTHM) Rule, Disinfectant Residual Monitoring and Associated Activities under the Surface Water Treatment Rule, Arsenic Rule, Lead and Copper Rule (LCR) and revisions. Future chemical-related rulemakings, such as Radon, will be added to this consolidated ICR after the regulations are finalized and the initial, rule-specific ICRs are due to expire.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.48 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** New and existing public water systems (PWSs), primacy agencies.

**Estimated Number of Respondents:** 155,750.

**Frequency of Response:** varies by requirement (i.e., on occasion, monthly, quarterly, semi-annually, annually, biennially, and every 3, 6, and 9 years).

*Estimated Total Annual Hour Burden:* 6,119,259.

*Estimated Total Annual Cost:* \$452,688,716, includes \$240,118,273 annualized capital or O&M costs.

*Changes in the Estimates:* There is a decrease of 604,910 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is primarily attributable to the use of updated system inventories and entry points per system to calculate monitoring costs.

Dated: June 20, 2008.

**Sara Hisel-McCoy,**

*Director, Collection Strategies Division.*

[FR Doc. E8-14522 Filed 6-25-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8685-3]

### Clean Water Act Section 303(d): Availability of List Decisions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Availability.

**SUMMARY:** This notice announces the availability of EPA's final action identifying water quality limited segments and associated pollutants in Arkansas to be listed pursuant to Clean Water Act (CWA) Section 303(d), and request for public comment. Section 303(d) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On June 18, 2008, EPA partially approved and partially disapproved Arkansas' 2008 303(d) submittal. Specifically, EPA approved Arkansas' listing of 369 water body-pollutant combinations, and associated priority rankings. EPA took neither an approval or disapproval action on 34 waters listed for beryllium and twenty (20) water body pollutant pairs that appear to have been listed in error. EPA disapproved Arkansas' decisions not to list 73 water body-pollutant combinations. EPA identified these additional water body pollutant-combinations along with priority rankings for inclusion on the 2008 Section 303(d) List.

EPA is providing the public the opportunity to review its final decisions to add water body pollutant-combinations to Arkansas' 2008 Section

303(d) List, as required by EPA's Public Participation regulations (40 CFR Part 25). EPA will consider public comments and if necessary amend its final action on the additional water body pollutant-combinations identified for inclusion on Arkansas' Final 2008 Section 303(d) List.

**DATES:** Comments must be submitted in writing to EPA on or before July 28, 2008.

**ADDRESSES:** Comments on the decisions should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, telephone (214) 665-2145, facsimile (214) 665-7373, or e-mail: [smith.diane@epa.gov](mailto:smith.diane@epa.gov). Oral comments will not be considered. Copies of the documents which explain the rationale for EPA's decisions and a list of the 73 water quality limited segments for which EPA disapproved Arkansas' decision not to list can be obtained at EPA Region 6's Web site at <http://www.epa.gov/region06/6wq/npdes/tmdl.htm>, or by writing or calling Ms. Smith at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the CWA requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, Arkansas submitted to EPA its listing decisions under Section 303(d) on April 1, 2008. On June 18, 2008, EPA approved Arkansas' listing of 369 water body-pollutant combinations and associated priority rankings. EPA took neither an approval or disapproval

action on 34 waters listed for beryllium and twenty (20) water body pollutant pairs that appear to have been listed in error. EPA disapproved Arkansas' decisions not to list 73 water body-pollutant combinations. EPA identified these additional water body pollutant-combinations along with priority rankings for inclusion on the 2008 Section 303(d) List. EPA solicits public comment on its identification of 73 additional water body-pollutant combinations for inclusion on Arkansas' 2008 Section 303(d) List.

Dated: June 18, 2008.

**Miguel I Flores,**

*Director, Water Quality Protection Division, Region 6.*

[FR Doc. E8-14516 Filed 6-25-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8685-4]

### Science Advisory Board Staff Office; Clean Air Scientific Advisory Committee (CASAC); Ozone Review Panel Request for Nominations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office is announcing the formation of the Clean Air Scientific Advisory Committee (CASAC) Review Panel for ambient ozone. The SAB Staff Office is soliciting public nominations for this Panel.

**DATES:** New nominations should be submitted by July 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Request for Nominations may contact Mr. Fred Butterfield, CASAC Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via telephone/voice mail: 202-343-9994; fax: 202-233-0643; or e-mail at [butterfield.fred@epa.gov](mailto:butterfield.fred@epa.gov). General information concerning the CASAC can be found on the EPA Web site at <http://www.epa.gov/casac>.

#### SUPPLEMENTARY INFORMATION:

*Background:* The Clean Air Scientific Advisory Committee (CASAC) was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. CASAC

provides advice, information and recommendations on the scientific and technical aspects of air quality criteria and National Ambient Air Quality Standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.

Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six "criteria" air pollutants, including ambient ozone. With the release of the Final Rule for Ozone NAAQS on March 12, 2008, and its subsequent publication in the **Federal Register** (73 FR 16436) on March 27, 2008, the Agency has completed its most recent review of the NAAQS for ozone, pursuant to sections 108 and 109 of the Act. The CASAC's Ozone Review Panel for that three-year review was formed in April 2005. The Ozone Panel last met on March 28, 2008, to offer its additional, unsolicited advice to the Agency on the Final Rule for the Ozone NAAQS. The CASAC's letter to the EPA Administrator from that teleconference meeting (EPA-CASAC-08-009, dated April 7, 2008) is posted on the CASAC's Web Site at <http://www.epa.gov/casac>.

This **Federal Register** notice solicitation is seeking nominations for subject matter experts to serve on the CASAC Ozone Review Panel for the next review cycle of the Ozone NAAQS that begins in fiscal year (FY) 2009. The Panel will be charged with reviewing EPA's science and policy assessments that form the basis for updating the NAAQS for ozone, and will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

*Nominator's Assessment of Expertise:* The SAB Staff Office requests nominees for the CASAC Ozone Review Panel who are nationally-recognized experts in one or more of the following disciplines: (a) *Atmospheric Sciences*. Expertise in: (1) Physical and chemical properties of ozone and other photochemical oxidants and their precursor substances; (2) atmospheric processes involved in the formation, transport, and degradation of ozone and other photochemical oxidants in the atmosphere, including interaction with global climate and stratospheric ozone; (3) evaluation of natural and anthropogenic sources and emissions of precursors of tropospheric ozone and other photochemical oxidants; (4) monitoring and measurement of ozone and other photochemical oxidants; and (5) and spatial and temporal trends in

atmospheric concentrations of ozone and other photochemical oxidants.

(b) *Exposure Modeling and Assessment*. Expertise in measuring human population exposure to ozone and/or in modeling human exposure to ambient and indoor pollutants. (c) *Dosimetry*. Expertise in measuring and/or estimating tissue doses of reactive gases in human and animal populations. (d) *Toxicology*. Expertise in evaluation of experimental toxicological effects and mechanisms of action of ozone and/or other photochemical oxidants in animal studies. (e) *Controlled Human Exposure*. Expertise in evaluation of controlled human exposure studies and/or ex vivo investigations of the effects of ozone and/or other photochemical oxidants on healthy and compromised human adults and children. (f) *Epidemiology*. Expertise in evaluation of the effects of exposures to ambient ozone and/or other major ambient air co-pollutants on human population groups. (g) *Risk Assessment and Biostatistics*. Expertise in quantitative human health risk assessment and uncertainty analysis. (h) *Ecological Effects*. Expertise in evaluation of the effects of ozone on vegetation, terrestrial species and populations, and ecological risk assessment. (i) *Ecological Resource Valuation*. Expertise in valuation and benefits assessment approaches and models of ecological resource and other welfare effects.

*Process and Deadline for Submitting Nominations:* Any interested person or organization may nominate qualified individuals to add expertise to the CASAC Ozone Review Panel in the areas of expertise described above. Nominations should be submitted in electronic format through the CASAC Web site at <http://www.epa.gov/casac> through the link for "Public Nomination of Experts" on the blue navigation bar. Please follow the instructions for submitting nominations carefully. To be considered, nominations should include all of the information requested. Anyone unable to submit nominations using the electronic form and who has any questions concerning the nomination process may contact Mr. Fred Butterfield, CASAC DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than July 17, 2008.

To be considered, all nominations should include: a current *curriculum vitae* (C.V.) which provides the nominee's background, qualifications, research expertise and relevant publications for service on the Panel; and a brief biographical sketch ("biosketch"). The biosketch should be no longer than one page and should

contain the following information for the nominee: current position, educational background, areas of expertise and research activities related to the panel activities, service on advisory committees not supported by the SAB Staff Office, and involvement professional societies.

The EPA SAB Staff Office will post the biosketches of qualified nominees for public comments on the CASAC Web site at <http://www.epa.gov/casac> and will include, for each candidate, the nominee's name and their biosketch. Public comments on this "Short List" of candidates will be accepted for a minimum of 21 calendar days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced subcommittee or review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In establishing the final CASAC Ozone Review Panel, the SAB Staff Office will consider public comments on the "Short List" of candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Specific criteria to be used for Panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; and (e) skills working in committees, subcommittees and advisory panels; and, for the Panel as a whole, (f) diversity of, and balance among, scientific expertise, viewpoints, etc.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110-48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form

may be viewed and downloaded from the following SAB Web site at [http://yosemite.epa.gov/sab/sabproduct.nsf/WebSABSO/Form3110-48/\\$File/epaform3110-48.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/WebSABSO/Form3110-48/$File/epaform3110-48.pdf).

The approved policy under which the EPA SAB Office selects subcommittees and review panels is described on the "Overview of the Panel Formation Process" page on the SAB Web site at <http://yosemite.epa.gov/sab/sabproduct.nsf/WebSABSO/OverviewPanelForm?OpenDocument>.

Dated: June 19, 2008.

**Anthony F. Maciorowski,**

*Deputy Director, EPA Science Advisory Board Staff Office.*

[FR Doc. E8-14511 Filed 6-25-08; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8685-6; Docket ID No. EPA-HQ-ORD-2008-0461]

### Draft Toxicological Review of Tetrachloroethylene (Perchloroethylene): In Support of Summary Information on the Integrated Risk Information System (IRIS)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Public Comment Period.

**SUMMARY:** EPA is announcing a 90-day public comment period for the draft document entitled, "Toxicological Review of Tetrachloroethylene (Perchloroethylene): In Support of Summary Information on the Integrated Risk Information System (IRIS)" (EPA/635/R-08/011A). The document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development. The draft tetrachloroethylene health assessment addresses both potential cancer and non-cancer human health effects that may result from chronic exposure to tetrachloroethylene. Tetrachloroethylene, commonly referred to as "perc", is a solvent widely used in the dry cleaning of clothes and as a metal degreaser.

EPA intends to consider comments and recommendations from the public and the expert panel meeting, which will be announced at a later date, when EPA finalizes the draft document. The public comment period will provide opportunities for all interested parties to comment on the document. EPA intends to forward public comments, submitted

in accordance with this notice, to the external peer-review panel prior to the peer review meeting for their consideration.

EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

The draft document is available via the Internet on NCEA's homepage under the Recent Additions and the Data and Publications menus at <http://www.epa.gov/ncea>.

**DATES:** The 90-day public comment period begins June 26, 2008, and ends September 24, 2008. Technical comments should be in writing and must be received by EPA by September 24, 2008. EPA intends to submit comments from the public received by this date for consideration by the external peer review panel.

The draft tetrachloroethylene assessment will be independently peer reviewed by an expert panel convened by The National Academies' Board on Environmental Studies and Toxicology (BEST). Information on the first meeting of the BEST tetrachloroethylene panel, expected to be held in late fall 2008, will be posted on The National Academies' Web site at <http://www8.nationalacademies.org/cp/projectview.aspx?key=48697>. Note that due to the need to provide the public comments to the peer review panel one month prior to their first meeting, an extension of the public comment beyond the 90 days provided will not be possible. EPA has lengthened the comment period for tetrachloroethylene beyond the usual 60 days allotted for IRIS assessments because of the expected high interest in this draft assessment.

**ADDRESSES:** The draft "Toxicological Review of Tetrachloroethylene (Perchloroethylene): In Support of Summary Information on the Integrated Risk Information System (IRIS)" is available primarily via the Internet on NCEA's home page under the Recent Additions and the Data and Publications menus at <http://www.epa.gov/ncea>. A limited number of paper copies are available by contacting the Information Management Team, NCEA; telephone: 703-347-8561; facsimile: 703-347-8691. If you are requesting a paper copy, please provide your name, your mailing

address, and the document title, "Toxicological Review of Tetrachloroethylene (Perchloroethylene): In Support of Summary Information on the Integrated Risk Information System (IRIS)."

Comments may be submitted electronically via <http://www.regulations.gov>, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** For information on the public comment period, contact the Office of Environmental Information Docket; telephone: 202-566-1752; facsimile: 202-566-1753; or e-mail: [ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov).

For technical information on the draft assessment, contact the Information Management Team by (phone: 703-347-8561; fax: 703-347-8691; or e-mail: [nceadc.comment@epa.gov](mailto:nceadc.comment@epa.gov)).

#### SUPPLEMENTARY INFORMATION:

#### I. Summary Information About the Integrated Risk Information System (IRIS)

IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at <http://www.epa.gov/iris>) contains qualitative and quantitative health effects information for more than 540 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic non-cancer health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with exposure information, government and private entities use IRIS to help characterize the public health risks of chemical substances and thereby support risk management decisions designed to protect public health.

#### II. How to Submit Technical Comments to the Docket at <http://www.regulations.gov>

Submit your comments, identified by Docket ID No. EPA-HQ-ORD 2008-0461, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- E-mail: [ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov).

- *Fax:* 202-566-1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202-566-1752.

- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, Room 3334 EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center 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. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-ORD-2008-0461. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at <http://www.regulations.gov>, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is 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, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact

you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at [www.epa.gov/epahome/dockets.htm](http://www.epa.gov/epahome/dockets.htm).

*Docket:* 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 materials, such as copyrighted material, are 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 OEI Docket in the EPA Headquarters Docket Center.

Dated: June 20, 2008.

**Rebecca Clark,**

*Acting Director, National Center for Environmental Assessment.*

[FR Doc. E8-14521 Filed 6-25-08; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, Comments Requested

June 20, 2008.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission invites the general public and other Federal agencies to comment on the following information collection(s). Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with

a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before July 28, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your comments to Nicholas A. Fraser, Office of Management and Budget (e-mail address: [nfraser@omb.eop.gov](mailto:nfraser@omb.eop.gov)), and to the Federal Communications Commission's PRA mailbox (e-mail address: [PRA@fcc.gov](mailto:PRA@fcc.gov)). Include in the e-mails the OMB control number of the collection as shown in the **SUPPLEMENTARY INFORMATION** section below or, if there is no OMB control number, the Title as shown in the **SUPPLEMENTARY INFORMATION** section. If you are unable to submit your comments by e-mail contact the person listed below to make alternate arrangements.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Leslie F. Smith via e-mail at [PRA@fcc.gov](mailto:PRA@fcc.gov) or at (202) 418-0217. To view or obtain a copy of an information collection request (ICR) submitted to OMB: (1) Go to this OMB/GSA Web page: <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of the ICR you want to view (or its title if there is no OMB control number) and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0819.

*Title:* Sections 54.400-54.417, Lifeline Assistance (Lifeline) Connection Assistance (Link-Up) Reporting Worksheet and Instructions, FCC Form 497.

*Form Number(s):* FCC Form 497.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or households; and business or other for-profit.

*Number of Respondents and Responses:* 201,855 respondents; 227,055 responses.

*Estimated Time per Response:* 0.08–3.5 hours.

*Obligation To Respond:* Required to obtain or retain benefits.

*Frequency of Response:* On occasion, annually, one time reporting requirement; and recordkeeping requirement.

*Total Annual Burden:* 61,788 hours.

*Total Annual Cost:* \$0.00.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The respondents may request confidentiality protection for the special access performance information. The respondents are not required to file their customers' monthly usage information with the Federal Communications Commission (FCC).

*Needs and Uses:* Since the release of the *Lifeline Order*, WC Docket No. 03–109, FCC 04–87, in April 2004, the Commission has taken several steps to streamline program requirements and further safeguard the Universal Service Fund from waste, fraud, and abuse. Specifically, sample certification and verification letters are provided on the Universal Service Administrative Company's (USAC) Web site to assist eligible telecommunications carriers (ETCs) in complying with certification and verification requirements adopted in the *Lifeline Order*. Although the use of such letters is optional, ETCs are encouraged to make use of them because they standardize the collection of information and reduce the likelihood of errors in providing the information that is needed. In addition, on August 29, 2007, the Commission released the *2007 Order*, 2007 Comprehensive Review of the Universal Service Fund Management, Administration and Oversight, WC Docket Nos. 05–195, 02–60, 03–109 and CC Docket Nos. 96–45, 02–6, 97–21, FCC 07–150. In this *2007 Order*, the Commission requires ETCs to retain records verifying the eligibility of a Lifeline recipient for as long as the ETC provides Lifeline service to that customer, even after being audited. Finally, the *Lifeline and Link Up Worksheet* (Form 497) and the accompanying instructions have been updated to reflect changes in the federal tariffed End User Common Line charge (EUCL).

*OMB Control Number:* 3060–0986.

*Title:* Competitive Carrier Line Count Report.

*Form Number:* FCC Form 525.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 1,873 respondents; 6,201 responses.

*Estimated Time per Response:* 0.25–10 hours.

*Obligation to Respond:* Required to obtain or retain benefits.

*Frequency of Response:* On occasion, quarterly and annual reporting requirements; third party disclosure requirement.

*Total Annual Burden:* 8,692 hours.

*Total Annual Cost:* \$0.00.

*Privacy Act Impact Assessment:* No impacts.

*Nature of Extent of Confidentiality:* The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission will use the information requirements to determine whether and to what extent rural telecommunications carriers and competitive eligible telecommunications carriers (ETCs) providing the data are eligible to receive universal service support. This information includes loop counts, by disaggregation zone, for rural incumbent carriers, which is used to calculate the per-line high-cost universal service support amount available to competitive ETCs serving their territories. It also includes loop counts, by disaggregation zone or unbundled network element zone, for competitive ETCs, which is used to calculate the total high-cost universal service support amount available to competitive ETCs. This competitive ETC loop count requirement includes areas served by incumbent non-rural carriers, in addition to incumbent rural carriers, due to the consolidation of information collections included in a previous revision. Additionally, this information collection requires states to certify that incumbent rural carriers and competitive ETCs are using the high-cost universal service support only for the provision, maintenance, and upgrading of facilities and services for which the supports is intended. Finally, this information collection includes cost data filed by incumbent rural carriers on an as-needed basis to establish eligibility for the safety net and safety valve high-cost universal service support mechanisms.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8–14424 Filed 6–25–08; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 10, 2008.

**A. Federal Reserve Bank of Kansas City** (Todd Offenbacher, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Donald L. Howell, Houston, Texas, individually and as trustee of the FNB Financial Services, Inc. Employee Stock Ownership Plan, and as trustee of the Anne Turner Howell Trust; Donald L. Howell and Hilton H. Howell, Jr., all of Atlanta, Georgia; Brian E. Howell and Donna Howell, both of Waco, Texas; and Alison Howell Malone, Dallas, Texas; acting as a group in concert, to acquire voting shares of FNB Financial Services, Inc., and thereby indirectly acquire voting shares of First Texoma National Bank, both in Durant, Oklahoma.*

Board of Governors of the Federal Reserve System, June 20, 2008.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E8–14406 Filed 6–25–08; 8:45 am]

**BILLING CODE 6210–01–S**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and

§ 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 14, 2008.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. *Evelyn Rome Tabas, Narberth, Pennsylvania*; to acquire shares of Royal Bancshares of Pennsylvania, Inc., Narberth, Pennsylvania, and thereby acquire control of Royal Bank of Pennsylvania, Narberth, Pennsylvania. Once acquired, the shares will be sold to six individual trusts: (i) Lee E. Tabas Trust, (ii) Susan Tabas Tepper Trust, (iii) Robert Royal Tabas Trust, (iv) Linda Jane Tabas Stempel Trust (v) Carol Tabas Trust, and (vi) Jo Ann Wurzak Trust, (collectively the Trust). As such, the Trusts, and Nicholas Anthony Randazzo, Clifton Height, Pennsylvania; Robert Royal Tabas, Bryn Mawr, Pennsylvania; and Linda Jane Tabas Stempel, Haverford, PA, as co-trustees of each of the six trusts, also request permission for the trusts to acquire shares of Royal Bancshares of Pennsylvania, Inc.

Board of Governors of the Federal Reserve System, June 23, 2008.

**Robert deV. Frierson,**  
*Deputy Secretary of the Board.*

[FR Doc. E8-14502 Filed 6-25-08; 8:45 am]

BILLING CODE 6210-01-S

**FEDERAL RESERVE SYSTEM**

**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 22, 2008.

**A. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Heritage Bancorp, Inc., Pearland, Texas*; to become a bank holding company by acquiring 100 percent of Red River Financial Corporation, Detroit, Texas, and indirectly acquire Community National Bank, Detroit, Texas.

Board of Governors of the Federal Reserve System, June 23, 2008.

**Robert deV. Frierson,**  
*Deputy Secretary of the Board.*

[FR Doc. E8-14501 Filed 6-25-08; 8:45 am]

BILLING CODE 6210-01-S

**FEDERAL TRADE COMMISSION**

**Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans No.	Acquiring	Acquired	Entities
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/27/2008</b>			
20081147 .....	Umbrellastream Limited Partnership Incorporated.	Expro International Group PLC .....	Expro International Group PLC.
20081198 .....	Tygris Commercial Finance Group, Inc ..	New Cap, L.L.C .....	Marcap LLC.
20081220 .....	General Electric Company .....	A123 Systems, Inc .....	A123 Systems, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/28/2008</b>			
20080541 .....	DG FastChannel, Inc .....	Level 3 Communications, Inc .....	Vyvx, LLC.
20081121 .....	Blum Strategic Partners IV, L.P .....	Avid Technology, Inc .....	Avid Technology, Inc.
20081176 .....	Valero Energy Corporation .....	AB Acquisition, LLC .....	Albertson's LLC.
20081203 .....	Triarc Star Trust .....	Triarc Companies, Inc .....	Triarc Companies, Inc.
20081204 .....	Triarc Companies, Inc .....	Wendy's International, Inc .....	Wendy's International, Inc.
20081221 .....	Alon Israel Oil Company, Ltd .....	Valero Energy Corporation .....	Valero Refining Company—Louisiana.
20081222 .....	Carlyle Partners V US. L.P .....	Booz Allen Hamilton Inc. ....	Booz Allen Hamilton Inc.

Trans No.	Acquiring	Acquired	Entities
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/29/2008</b>			
20081160 .....	Constellation Energy Group, Inc .....	IBERDROLA, S.A .....	West Valley Leasing Company, LLC.
20081178 .....	Carl C. Icahn .....	Yahoo! Inc .....	Yahoo! Inc.
20081179 .....	Icahn Partners Master Fund LP .....	Yahoo! Inc .....	Yahoo! Inc.
20081180 .....	Icahn Partners LP .....	Yahoo! Inc .....	Yahoo! Inc.
20081181 .....	Icahn Partners Master Fund II LP .....	Yahoo! Inc .....	Yahoo! Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/30/2008</b>			
20080735 .....	Diageo plc .....	Diageo Company No. III B.V .....	Diageo Company No. III B.V.
20081168 .....	Colam Entreprenre S.A .....	Donald R. Tapia .....	EGM, Inc. ESSCO Companies.
20081175 .....	Melrose PLC .....	FKI plc .....	FKI plc.
20081183 .....	KBR, Inc .....	T. Michael Goodrich .....	BE&K, Inc.
20081190 .....	Platinum Equity Capital Partners II, L.P .....	Maxim Crane Works Holdings, Inc .....	Maxim Crane Works Holdings, Inc.
20081200 .....	Tontine Capital Partners, L.P .....	Broadwind Energy, Inc. ....	Broadwind Energy, Inc.
20081223 .....	Battery Ventures VIII, L.P .....	3M Company .....	High Jump, Software, LLC. HighJump Software, Ltd.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/02/2008</b>			
20081196 .....	Intercell AG .....	Iomai Corporation .....	Iomai Corporation.
20081199 .....	Steel Dynamics, Inc .....	ASAP Investors, LLC .....	Recycle South, LLC.
20081227 .....	Knight Capital Group, Inc .....	Gary Katcher .....	Libertas Holdings LLC.
20081229 .....	Cablevision Systems Corporation .....	General Electric Company .....	Cassidy Holdings, Inc.
20081231 .....	Fenway Partners Capital Fund III, L.P .....	Polar Group Holdings, L.L.C .....	Preferred Freezer Services, LLC.
20081232 .....	Ametek, Inc .....	Vision Research, Inc .....	Vision Research, Inc.
20081233 .....	Porsche Automobil Holdings SE .....	Volkswagen Aktiengesellschaft .....	Volkswagen Aktiengesellschaft.
20081237 .....	Charles W. Ergen .....	TerreStar Corporation .....	TerreStar Corporation.
20081238 .....	TerreStar Corporation .....	Charles W. Ergen .....	Port L.L.C.
20081239 .....	Greenfield Acquisition Partners V.L.P .....	Clayton Holdings, Inc .....	Clayton Holdings, Inc.
20081241 .....	GSC Acquisition Company .....	Complete Energy Holdings, LLC .....	Complete Energy Holdings, LLC.
20081244 .....	UnitedHealth Group Incorporated .....	Fidelity Sedgwick Holdings, Inc .....	Fidelity Sedgwick Holdings, Inc.
20081247 .....	Elizabeth Arden, Inc .....	Liz Claiborne, Inc .....	Juicy Couture, Inc. L.C. Licensing, Inc. Liz Claiborne Cosmetics, Inc.
20081254 .....	D.E. Shaw Composite International Fund.	Foamex International Inc .....	Lucky Brand Dungarees, Inc. Foamex International Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/03/2008</b>			
20081188 .....	NuVasive, Inc .....	Osiris Therapeutics, Inc. ....	Osiris Therapeutics, Inc.
20081249 .....	Sunoco Logistics Partners L.P .....	Exxon Mobil Corporation .....	ExxonMobil Oil Corporation. Mobil Pipe Line Company.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/04/2008</b>			
20081169 .....	Honeywell International Inc .....	Francisco Partners II, L.P .....	Metrologic Holding Corporation.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/05/2008</b>			
20080115 .....	SABMiller plc .....	MillerCoors .....	MillerCoors.
20081202 .....	Danfoss A/S .....	Sauer Holding GmbH .....	Sauer-Danfoss, Inc.
20081240 .....	Daiichi Sankyo Company, Limited .....	U3 Pharma AG .....	U3 Pharma AG.
20081248 .....	Lighthouse Holdings Parent, Inc .....	AMR Corporation .....	American Beacon Advisors, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/06/2008</b>			
20081182 .....	Mitsui Chemicals, Inc .....	Compass Diversified Holdings .....	Silvue Technologies Group, Inc.
20081212 .....	Basic Energy Services, Inc .....	Grey Wolf, Inc .....	Grey Wolf, Inc.
20081213 .....	Grey Wolf, Inc .....	Basic Energy Services, Inc .....	Basic Energy Services, Inc.
20081255 .....	Publix Super Markets, Inc .....	AB Acquisition LLC .....	Albertson's LLC.
20081259 .....	SES Holdings Limited .....	Saxon Energy Services, Inc .....	Saxon Energy Services, Inc.
20081260 .....	United Online, Inc .....	FTD Group, Inc .....	FTD Group, Inc.
20081262 .....	International Power plc .....	Warburg Pincus Private Equity IX, L.P .....	WP APT Generation II, Inc. WP APT Generation, Inc. WP APT Generation IV, Inc. WP APT Generation V, Inc. WP APT Generation III, Inc.
20081263 .....	International Power plc .....	Tenaska Power Fund, L.P .....	TPF Calumet, LLC.
20081270 .....	Stone Energy Corporation .....	Comstock Resources, Inc .....	Bois d'Arc Energy, Inc.
20081271 .....	Comstock Resources, Inc .....	Stone Energy Corporation .....	Stone Energy Corporation.

Trans No.	Acquiring	Acquired	Entities
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/09/2008</b>			
20081269 .....	Alexey Mordashov .....	WCI Steel, Inc .....	WCI Steel, Inc.
20081273 .....	3M Company .....	Ronald A. Bulard .....	IMTEC Corporation.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/10/2008</b>			
20081057 .....	PPL Corporation .....	The Bear Stearns Companies, Inc .....	BE Ironwood LLC.
20081211 .....	Pentair, Inc .....	Newco JV .....	Newco JV.
20081264 .....	Carlyle Partners IV, L.P. ....	Ronald D. Mann .....	Airtechnics, Inc.
20081283 .....	Arsenal Capital Partners Qualified Purchaser Fund II LP.	Arsenal Capital Partners Qualified Purchaser Fund LP.	New Velsicol Chemical Corporation.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/11/2008</b>			
20081205 .....	Tyco International Ltd .....	FirstService Corporation .....	Intercon Security Limited.
20081251 .....	NC VII Limited .....	Bristol-Myers Squibb Company .....	ConvaTec.
20081297 .....	The Allstate Corporation .....	General Electric Company .....	Credit Card Sentinel, Inc. GE Dental & Vision. GE Motor Club, Inc. GE Motor Club of California. Ocoma Industries, Inc. Signature Agency, Inc. Signature Nationwide Auto Club of California, Inc. Signature's Nationwide Auto Club, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/12/2008</b>			
20081048 .....	L-1 Identity Solutions, Inc .....	Digimarc Corporation .....	Digimarc Corporation.
20081293 .....	GTCR Fund IX/A, L.P .....	IQNavigator, Inc .....	IQNavigator, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—06/13/2008</b>			
20081253 .....	AT&T Inc .....	América Móvil, S.A.B. de C.V .....	América Móvil, S.A.B. de C.V.
20081282 .....	Charterhouse Dragon I S.A .....	The North American Manufacturing Company.	The North American Manufacturing Company.
20081292 .....	LG Continental LLC .....	PNM Resources, Inc .....	Public Service Company of New Mexico.
20081296 .....	PNM Resources, Inc .....	LG Continental LLC .....	Cap Rock Holding Corporation.
20081303 .....	Caledonia Investments plc .....	Bristow Group Inc .....	Bristow Group Inc.
20081314 .....	Metalmark Capital Partners, L.P .....	SPI Petroleum LLC .....	Maxum Petroleum, Inc.
20081322 .....	Global Infrastructure Partners—C, L.P ...	Reliant Energy Channelview LP .....	Reliant Energy Channelview LP.

**FOR FURTHER INFORMATION CONTACT:**  
Sandra M. Peay, Contact Representative, or Renee Hallman, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.  
**Donald S. Clark,**  
*Secretary.*  
[FR Doc. E8-14309 Filed 6-25-08; 8:45 am]  
**BILLING CODE 6750-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Agency Information Collection Request. 60-Day Public Comment Request**

**AGENCY:** Office of the Secretary, HHS.  
In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the

Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed information collection request for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document

identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be received with 60-days, and directed to the OS Paperwork.

*Proposed Project:* SF-424 Short Organizational—Revision—OMB No. 4040-0003—Grants.gov.

*Abstract:* This is a request for a revision of a previously approved collection. The SF-424 Short organizational form is used by the 26 Federal grant-making agencies as a simplified alternative to the SF-424 standard form. Agencies may use the SF-424 Short Organizational form for grant programs not required to collect all the data that is required on the SF-424 standard form.

The form is being revised with changes to the data field that collects the Social Security Number (SSN). The SSN field is an optional field. The current collection pre-fills the first five

digits with “xxx-xx” and only collects the last four digits of the SSN. At OMB’s request, we reviewed the usefulness of collection of a portion of the SSN, by polling the Agencies that used the SF-

424 Short Organizational form; however, it was determined that the partial SSN is not useful for processing the SF-424 Short Organizational form by the Agencies. Therefore, no portion

of the SSN will be collected as part of the electronic grant application process. Frequency of data collection varies by Federal agency.

ESTIMATED ANNUALIZED BURDEN TABLE

Agency	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
NEA .....	4130	1	20/60	1377
NEH .....	2328	1	30/60	1,164
DOI .....	148	2.81	18/60	125
HHS .....	3903	1	30/60	1952
DOS .....	800	1	20/60	267
<b>Total</b> .....				<b>4,885</b>

**Terry Nicolosi,**

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E8-14425 Filed 6-25-08; 8:45 am]

BILLING CODE 4151-AE-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Document Identifier: OS-0990-New]

**Agency Information Collection Request. 60-Day Public Comment Request**

**AGENCY:** Office of the Secretary, Office of Public Health and Science, Office on Women’s Health.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed information collection request for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the

information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to [Sherrette.funncoleman@hhs.gov](mailto:Sherrette.funncoleman@hhs.gov), or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be directed to the OS Paperwork Clearance Officer at the above e-mail address within 60 days.

*Proposed Project:* Evaluation of HIV Prevention Program for Women—OMB No. 0990—New-Office on Women’s Health (OWH).

*Abstract:* The Office on Women’s Health (OWH) is seeking a new clearance to conduct data collection activities associated with the three-year evaluation of HIV/AIDS prevention programs at minority institutions for college women. The evaluation will assess the effectiveness of gender-centered HIV prevention models employed to address the needs of college women attending six (6) Historically Black Colleges and

Universities, four (4) Hispanic Serving Institutions, and two (2) Tribal Colleges and Universities. Evaluation data will assess the extent to which gender sensitive interventions employed by these institutions impact HIV/AIDS related knowledge, attitudes, and risk behaviors. Results of the evaluation will identify the prevention outcomes for college women and the larger campus population.

The program goals are to (1) Identify effective methods to educate and increase awareness for prevention of HIV/AIDS and STDs; (2) develop capacity for young, minority women to address prevention education on campus; (3) establish partnerships and student organizations to increase health education, risk reduction, counseling, HIV/STD testing and (4) to ensure that the education is culturally and linguistically appropriate for young, minority women. HIV intervention recipients will complete a survey at pretest, post-test, and follow-up that assesses their HIV/AIDS knowledge, risk behaviors and gender specific attitudes. Student data will be submitted on a quarterly basis. Peer facilitators/health educators will participate in a yearly interview and project implementation staff will participate in individual interviews twice during each program year that assesses their experiences with the program.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response (in hrs.)	Total burden hours
Prevention Education: Pre-test Questionnaire .....	Student .....	660	1	20/60	220
Prevention Education: Post-test Questionnaire ....	Student .....	660	1	20/60	220
Prevention Education: Follow-up .....	Student .....	660	1	20/60	220
Process Interview: Program Directors .....	Program Directors .....	14	2	1.5	42
Process Interview: Program Staff .....	Program Staff .....	12	2	45/60	18

ESTIMATED ANNUALIZED BURDEN TABLE—Continued

Forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response (in hrs.)	Total burden hours
Process Interview: Peer Educators .....	Program Staff .....	12	55	15/60	165
	Peer Educators .....	50	1	30/60	25
Total .....	.....	.....	.....	.....	910

**Terry Nicolosi,**  
*Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*  
 [FR Doc. E8-14428 Filed 6-25-08; 8:45 am]  
**BILLING CODE 4150-33-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

**Agency Information Collection Request. 60-Day Public Comment Request**

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed information collection request for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects:

(1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden. To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be received with 60-days, and directed to the OS Paperwork.

*Proposed Project:* SF-424 Individual—Revision—OMB No. 4040-0005—Grants.gov.

*Abstract:* This is a request for a revision of a previously approved collection. It is a simplified, alternative government-wide data set and application cover page for use by Federal grant-making agencies that award grants to individuals. The form is being revised with changes to the data field that collects the Social Security Number (SSN). The SSN field is an optional field. The current collection pre-fills the first five digits with "xxx-xx" and only collects the last four digits of the SSN. At OMB's request, we reviewed the usefulness of collection of a portion of the SSN, by polling the Agencies that used the SF-424 Individual form; however, it was determined that the partial SSN is not useful for processing the SF-424 Individual form by the Agencies. Therefore, no portion of the SSN will be collected as part of the electronic grant application process. Frequency of data collection varies by Federal agency.

ESTIMATED ANNUALIZED BURDEN TABLE

Agency	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
NEA .....	1,150	1	10/60	192
NEH .....	2,593	1	30/60	1,297
USDA .....	4,069	1	30/60	2,035
HHS .....	600	1	30/60	300
Total .....	.....	.....	.....	3,824

**Terry Nicolosi,**  
*Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*  
 [FR Doc. E8-14430 Filed 6-25-08; 8:45 am]  
**BILLING CODE 4151-AE-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Type-2 Diabetes Prevention in Women With a Recent History of Gestational Diabetes Mellitus, Potential Extramural Project (PEP) 2008-R-04**

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:* 1 p.m.–4 p.m., July 11, 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 "Type-2 Diabetes Prevention in

Women with a Recent History of Gestational Diabetes Mellitus, PEP 2008–R–04.”

*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 20, 2008.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E8–14485 Filed 6–25–08; 8:45 am]

BILLING CODE 4163–18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10261, CMS–10270 and CMS–10136]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**1. Type of Information Collection**  
*Request:* New collection; *Title of Information Collection:* Part C Medicare Advantage (MA) Reporting Requirements and Supporting Regulations in 42 CFR 422.516(a); *Use:* CMS has authority to establish reporting requirements for Medicare Advantage

Organizations (MAOs) as described in 42 CFR 422.516(a). Each MAO must have an effective procedure to develop, compile, evaluate, and report to CMS, to its enrollees, and to the general public, at the times and in the manner that CMS requires, and while safeguarding the confidentiality of the doctor-patient relationship, statistics and other information with respect to the cost of its operations, patterns of service utilization, availability, accessibility, and acceptability of its services, developments in the health status of its enrollees, and other matters that CMS may require. Data collected via Medicare Part C Reporting Requirements will be an integral resource for oversight, monitoring, compliance and auditing activities necessary to ensure quality provision of the benefits provided by MA plans to enrollees. *Form Number:* CMS–10261 (OMB# 0938–New); *Frequency:* Yearly, quarterly, and semi-annually; *Affected Public:* Business or other for-profits; *Number of Respondents:* 703; *Total Annual Responses:* 1,406; *Total Annual Hours:* 298,072.

**2. Type of Information Collection**  
*Request:* New collection; *Title of Information Collection:* Evaluation of the Home Health Pay for Performance Demonstration: Survey instrument; *Use:* The Home Health Pay for Performance Demonstration is part of a change by CMS toward performance-based purchasing for a variety of provider types. By providing financial incentives for achieving high levels of performance on standardized quality measures, CMS hopes to encourage health care providers to improve the quality of care provided to Medicare beneficiaries. The Home Health Pay for Performance Demonstration (HHP4PD) relies on the voluntary participation by home health agencies within several States, with random assignment of participating agencies to treatment or control groups within each State, where the control group will not be eligible for incentive payments. These two groups form the primary comparison for determining if the HHP4PD was effective in creating improved, targeted outcomes for patients served by home health agencies. The information collected will be used as part of the evaluation of the Home Health Pay for Performance Demonstration sponsored by CMS. *Form Number:* CMS–10270 (OMB# 0938–New); *Frequency:* Once; *Affected Public:* Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 570; *Total Annual Responses:* 570; *Total Annual Hours:* 285.

**3. Type of Information Collection**  
*Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Demonstration Ambulatory Care Quality Measure Performance Assessment Tool (“PAT”); *Use:* CMS is requesting an extension of the currently approved tool for the collection of ambulatory care clinical performance measure data. The data will be used to continue implementation of two Congressionally mandated demonstration projects (the Physician Group Practice (PGP) Demonstration and the Medicare Care Management Performance (MCMP) Demonstration) and, starting in 2011, support data collection under the new Electronic Health Records (EHR) Demonstration. Each of these demonstrations test new payment methods for improving the quality and efficiency of health care services delivered to Medicare fee-for-service beneficiaries, especially those with chronic conditions that account for a disproportionate share of Medicare expenditures. In addition, the MCMP and EHR demonstrations specifically encourage the adoption of electronic health records systems as a vehicle for improving how health care is delivered.

The changes in the estimated burden between this submission and the original submission are due to the following changes: Combining the Information Collection Request (ICR) application for the PGP and MCMP demonstrations into a single ICR application. Reduction in the number of practices participating in the MCMP Demonstration. An increase in the estimated cost per hour (salary + fringe) for collecting the data. The implementation of the new EHR Demonstration which will begin collecting clinical quality data starting in 2011 with 400 Phase I practices. *Form Number:* CMS–10136 (OMB# 0938–0941); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 1060; *Total Annual Responses:* 1060; *Total Annual Hours:* 25,990.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov), or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference

the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *August 25, 2008*:

1. *Electronically*. You may submit your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail*. You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Date: June 18, 2008.

**Michelle Shortt,**

*Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. E8-14442 Filed 6-25-08; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-R-71]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed

information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Quality Improvement Organization (QIO) Assumption of Responsibilities and Supporting Regulations in 42 CFR Sections 412.44, 412.46, 431.630, 476.71, 476.73, 476.74, and 476.78; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act to create the Utilization and Quality Control Peer Review Organization (PRO) program which replaces the Professional Standards Review Organization (PSRO) program and streamlines peer review activities. The term PRO has been renamed Quality Improvement Organization (QIO). This collection describes the review functions to be performed by the QIO. It outlines relationships among QIOs, providers, practitioners, beneficiaries, intermediaries, and carriers. *Form Number:* CMS-R-71 (OMB# 0938-0445); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 6,036; *Total Annual Responses:* 6,036; *Total Annual Hours:* 156,846.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov), or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at

the address below, no later than 5 p.m. on July 28, 2008, OMB Human Resources and Housing Branch, Attention: OMB Desk Officer, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: (202) 395-6974.

Dated: June 18, 2008.

**Michelle Shortt,**

*Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. E8-14443 Filed 6-25-08; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Submission for OMB Review; Comment Request**

*Title:* Voluntary Surveys of Program Partners to Implements Executive Order 12862

*OMB No.:* 0980-0266

*Description:* Under the provisions of the Federal Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Administration for Children and Families (ACF) is requesting clearance for instruments to implement Executive Order 12862 within ACF. The purpose of the data collection is to obtain customer satisfaction information from those entities who are funded to be our partners in the delivery of services to the American public. ACF partners are those entities that receive funding to deliver services or assistance from ACF programs. Examples of partners are state and local governments, territories, service providers, Indian Tribes and Tribal organizations, grantees, researchers, or other intermediaries serving target populations identified by and funded directly or indirectly by ACF. The surveys will obtain information about how well ACF is meeting the needs of our partners in operating the ACF programs.

*Respondents:* State, Local, & Tribal Govt. or not-for-profit Organizations

**ANNUAL BURDEN ESTIMATES**

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Governments, Territories and District of Columbia .....	54	10	1	540
Head Start Grantees and Delegates .....	200	1	0.50	100
Other Discretionary Grant Programs .....	200	10	0.50	1,000
Indian Tribes and Tribal Organizations .....	25	10	0.50	125

*Estimated Total Annual Burden Hours: 125*

*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](mailto: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 18, 2008.

**Janean Chambers,**  
Reports Clearance Officer.  
[FR Doc. E8-14161 Filed 6-25-08; 8:45 am]  
**BILLING CODE 4184-01-S**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Office of Refugee Resettlement; Unaccompanied Alien Children Shelter Care Facilities**

**AGENCY:** Office of Refugee Resettlement, ACF, DHHS.

**ACTION:** Notice to award ten non-competitive supplements to existing Unaccompanied Alien Children (UAC) Shelter Care Facilities.

CFDA #: 93.676.

*Legislative Authority:* The Office of Refugee Resettlement (ORR) is mandated by Section 462 of the Homeland Security Act to ensure appropriate placement of all unaccompanied alien children referred to ORR for care and custody by the Department of Homeland Security (DHS).

*Amount of Award:* \$2,521,320.

**SUMMARY:** This notice announces that the Administration for Children and Families (ACF), Office of Refugee Resettlement intends to award ten unaccompanied alien shelter care providers in the amount of \$2,521,320. This funding will support services through September 30, 2008.

Grantee	Location	Project period	Amount
Southwest Key—El Paso .....	El Paso, TX .....	06/10/08–09/30/08	\$390,320
The Children's Village .....	New York, NY .....	06/10/08–09/30/08	445,000
Florence Crittenton .....	Los Angeles, CA .....	06/10/08–09/30/08	336,000
Lutheran Social Services of the South .....	Austin, TX .....	06/10/08–09/30/08	600,000
Heartland/ICC .....	Chicago, IL .....	06/10/08–09/30/08	325,000
Southwest Indiana Youth Village .....	Vincennes, IN .....	06/10/08–09/30/08	120,000
International Educational Services—Foster Care.	Brownsville, TX .....	06/10/08–09/30/08	90,000
International Educational Services—Foster Care.	Harlingen, TX .....	06/10/08–09/30/08	70,000
Pioneer Services .....	Fife, WA .....	06/10/08–09/30/08	85,000
Southwest Key—Pleasant Hill .....	Pleasant Hill, CA .....	06/10/08–09/30/08	60,000

This funding will support the expansion of shelter/foster/staff secure/secured/therapeutic care program bed capacity to meet the number of unaccompanied alien children referrals from the Department of Homeland Security (DHS). This expansion is necessary to replace bed capacity discontinued at several sites as well as to accommodate the increase of length of stay of UAC in ORR's care. This supplemental funding will support the additional bed capacity through the summer high season, terminating at the end of the 2008 fiscal year.

To ensure the program would have complete flexibility to expand and contract to meet the ever-changing demands of the program, ORR specifically included language in its program announcement to stipulate that funding and capacity may increase based on the needs of the program. The program has very specific requirements for the provision of services. Existing grantees are the only entities with the infrastructure, licensing, experience and appropriate level of trained staff to meet

the service requirements and the urgent need for expansion. The program's ability to avoid a backlog of children waiting in border patrol stations for placement can only be accommodated through the expansion of existing programs through this supplemental award process.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Tota, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, telephone (202) 401-4858.

Dated: June 17, 2008.

**David H. Siegel,**  
Acting Director, Office of Refugee Resettlement.  
[FR Doc. E8-14429 Filed 6-25-08; 8:45 am]  
**BILLING CODE 4184-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2008-N-0173]

**Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Appeals of Science-Based Decisions Above the Division Level at the Center for Veterinary Medicine**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by July 28, 2008.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-6974, or e-mailed to [baguilar@omb.eop.gov](mailto:baguilar@omb.eop.gov). All comments should be identified with the OMB control number 0910-0566. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Jr., Office of the Chief Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1472.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

**Appeals of Science-Based Decisions Above the Division Level at the Center for Veterinary Medicine (OMB Control Number 0910-0566)—Extension**

CVM's (Center for Veterinary Medicine) "Guidance for Industry #79—Dispute Resolution Procedures for Science-Based Decisions on Products Regulated by the Center for Veterinary Medicine" describes the process by which CVM formally resolves disputes relating to scientific controversies. A scientific controversy involves issues concerning a specific product regulated by CVM related to matters of technical expertise and requires specialized education, training or experience to be understood and resolved. Further, the guidance details information on how the agency intends to interpret and apply provisions of the existing regulations

regarding internal agency review of decisions. In addition, the guidance outlines the established recommended procedures for persons who are applicants, including sponsor applicants or manufacturers, for animal drugs or other products regulated by CVM, that wish to submit a request for review of a scientific dispute. When an applicant has a scientific disagreement and a written decision by CVM, the applicant may submit a request for review of that decision by following the established agency channels of supervision for review.

Respondents to this collection of information are applicants that wish to submit a request for review of a scientific dispute.

In the **Federal Register** of March 26, 2008 (73 FR 16021), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

21 CFR section	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
10.75	2	4	8	10	80

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

This estimated annual reporting burden is based on CVM's experience over the past 3 years in handling formal appeals for scientific disputes. The number of respondents multiplied by the annual frequency of response equals the total annual responses. The number of hours per response is based on discussions with industry and may vary depending on the complexity of the issue(s) involved and the duration of the appeal process.

Dated: June 19, 2008.

**Jeffrey Shuren,**

*Associate Commissioner for Policy and Planning.*

[FR Doc. E8-14515 Filed 6-25-08; 8:45 am]

BILLING CODE 4160-01-S

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**Hematology and Pathology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee

of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Hematology and Pathology Devices Panel of the Medical Devices Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on July 18, 2008, from 8 a.m. to 5 p.m.

*Location:* Hilton Washington DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

*Contact Person:* Louise E. Magruder, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240-276-1248, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 3014512515. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn

about possible modifications before coming to the meeting.

*Agenda:* The committee will discuss and make recommendations on issues relevant to the potential for automated differential cell counters being waived under the Clinical Laboratory Improvement Amendments of 1988. The discussion will include pre-analytical, analytical, and post-analytical issues associated with performing automated hematology complete blood counts and differentials in a waived setting. (See [www.fda.gov/cdrh/oivd/guidance/1171.html](http://www.fda.gov/cdrh/oivd/guidance/1171.html)).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/ohrms/dockets/ac/acmenu.htm>, click on the year 2008 and scroll down to the appropriate advisory committee link.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact

person on or before July 9, 2008. Oral presentations from the public will be scheduled between approximately 8:15 a.m. and 9:15 a.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 1, 2008. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 8, 2008.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, at 240-276-8932, at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/oc/advisory/default.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 20, 2008.

**Randall W. Lutter,**

*Deputy Commissioner for Policy.*

[FR Doc. E8-14495 Filed 6-25-08; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Indian Health Service

#### Office of Clinical and Preventive Services, Division of Nursing Services Nursing Program, Schools of Nursing

*Announcement Type:* Competitive Continuation and New Grants.

*Funding Announcement Number:* HHS-2008-IHS-NU-0001.

*Catalog of Federal Domestic Assistance Numbers(s):* 93.970

#### *Key Dates:*

*Application Deadline Date:* August 8, 2008.

*Review Date:* August 18, 2008.

*Award Status Notification:* August 22, 2008.

*Earliest Anticipated Start Date:* September 1, 2008.

#### **I. Funding Opportunity Description**

The Indian Health Service (IHS), Office of Clinical and Preventive Services, Division of Nursing Services, announces a competitive grant application for existing and new grantees under the Nursing Education Program for American Indians/Alaska Natives (AI/AN5). This program is authorized under section 112 of the Indian Health Care Improvement Act, Public Law 94-437 as amended. This program is described at 93.970 in the Catalog of Federal Domestic Assistance (CFDA).

The purpose of the Nursing Program Schools of Nursing is to increase the number of nurses, nurse midwives, nurse anesthetists, and nurse practitioners who deliver health care services to AI/ANs. The primary objectives of this grant award are to (1) recruit and train AI/AN individuals to be nurses (Graduate and Undergraduate), (2) provide scholarships to AI/AN individuals enrolled in schools of nursing to pay tuition, books, fees, and stipends for living expenses; (3) provide a program that encourages AI/AN nurses (Graduate and Undergraduate), to provide or continue to provide, health care services in AI/AN health care programs, and (4) provide a program that increases the skills of, and provides continuing education to AI/AN nurses (Graduate and Undergraduate). Each proposal must respond to all of the above four objectives.

The awards will be based on the following:

At least one project to a public or private college or university school of nursing, which provides for a Master of Science in Nursing (MSN), Doctorate in Nursing Practice (DNIP), or Bachelor of Science in Nursing (BSN), degree in nurse midwifery, nurse practitioner, nurse anesthesia, or nursing-healthcare administration, not to exceed \$350,000 per year up to a project period of five years.

At least one project to a public, private, college or university program of nursing, which provides for an Associate Degree in Nursing (ADN), not to exceed \$335,000 per year up to a project period of five years.

At least one project to a Tribally controlled community college or

university that has a formal bridge program agreement to a college or university at which AI/AN students can complete an ADN, BSN, or MSN/DNP degree, not to exceed \$300,000 per year up to a project period of five years.

#### **II. Award Information**

*Type of Awards:* Grants.

*Estimated Funds Available:* The total amount identified for fiscal year (FY) 2008 is \$1,335,000. The awards are for 60 months in duration and the average award is approximately \$337,000. Each program type will receive different amounts of funding based on the level of nursing degree. Continuation awards are subject to the availability of funds and satisfactory performance.

*Anticipated Number of Awards:* Four awards will be issued under the announcement to existing or new award recipients on a competitive base.

*Project Period:* Five Years.

*Award Amount:* The following will be awarded according to the nursing program level per year:

- \$350,000 to one school at the MSN or DNP level,
- \$350,000 to at least one school at the BSN level,
- \$335,000 to at least one school at the ADN level, and
- \$300,000 to a Tribally controlled college/university with a bridge to an ADN/BSN/MSN/DNP level.

#### **III. Eligibility Information**

1. The following organizations are eligible:

A. Public or private schools of nursing.

B. Tribally controlled community college nursing programs and Tribally controlled post-secondary vocational institutions (as defined in 20 U.S.C. 2397h(2)).

C. All organizations providing for the ADN, BSN, MSN or DNP to AI/AN students.

While Indian health programs have need for advance practice nurses who are nurse midwives and nurse practitioners, its greatest need in the field of advance practice nursing is nurse anesthesia, in addition to nurse administrators trained at the graduate level and clinical nurses at the bachelor's level. Therefore, preference will be given to applicants who have programs:

A. That provide a preference to Indians,

B. That train nurse anesthetists, nurse midwives, nurse practitioners, and BSN nurses,

C. Whose curriculum is taught in an interdisciplinary manner with other health professional students such as

pharmacy, medicine, or behavioral health students,

D. Whose curriculum emphasizes and integrates training on Evidence Based Practice (EBP),

E. Which have student clinical rotations established with Indian health programs,

F. Which offer distance learning opportunity,

G. Which have formal bridge program agreements between Tribal colleges or universities so as to accommodate LPN to ADN/BSN or BSN to MSN/DNP students,

H. Which have a faculty exchange program between a Tribal college or university and a university school of nursing so as to enhance cultural relevance, competency, and faculty strength,

I. Which have an emphasis on transcultural nursing and cultural competency,

J. Which have a rural health focus, and

K. Which are conducted in cooperation with the Center for Gifted and Talented Indian students established under section 5324(a) of the Indian Education Act of 1988. If an eligible organization claims preference in order to be given priority, the organization must submit verifying documentations.

## 2. Cost Sharing or Matching

The Nursing Program does not require matching funds or cost sharing.

## 3. Other Requirements

If the application budgets exceed appropriate nursing level of funding as outlined in this announcement, the application will not be considered for review.

The budget should include a narrative and a justification for cost outlined in the applications for the entire project period for each year. The budget and budget justification should be consistent with the tasks identified in the work plan, and should include:

A. Categorical budget (Form SF-424A, Budget Information Non-Construction Programs) completing each of the budget periods requested.

B. Include a narrative justification for all costs, explaining why each line item is necessary or relevant to the proposed project. Include sufficient details to facilitate the determination of cost allow ability.

C. Indicate any special start-up costs.

D. Include a brief program narrative budget justification for the second year and onward.

If indirect costs are claimed, indicate and apply the current negotiated rate to

the budget. Include a copy of the rate agreement in the appendix.

All schools must be state approved. All schools must have accreditation by either the National League for Nursing Accrediting Commission (NLNAC) or American Association of Colleges of Nursing Commission on Collegiate Nursing Education (CCNE). The schools offering a degree in nurse midwifery must provide verification of accreditation by the American College of Nurse-Midwives. The schools offering a degree in nurse anesthesia must provide verification of accreditation by the Council on Accreditation of Nurse Anesthesia Educational Programs (COA). Tribally controlled community college nursing programs and Tribally controlled post-secondary vocational institutions, if not accredited by the NLNAC or other appropriately recognized accrediting body, must show verifying documentation that they are in the process of seeking accreditation.

## IV. Application and Submission Information

1. Applicant package may be found in Grants.gov (<http://www.grants.gov>). Information regarding the electronic application process may be directed to Michelle G. Bulls or Tammy Bagley, at (301) 443-6290.

The entire application package and detailed application instruction are available and downloadable at the <http://www.grants.gov> Web site.

2. Content and Form of Application Submission (if prior approval was obtained for paper submission from the Grant Policy Staff (GPS) in writing):

- Be single spaced.
- Be typewritten.
- Have consecutively numbered pages.
- Use black type not smaller than 12 characters per one inch.
- Contain a narrative that does not exceed 10 typed pages that includes the other submission requirements below. The 10 page narrative does not include the work plan, standard forms, Tribal resolutions or letters of support (if necessary), table of contents, budget, budget justifications, narratives, and/or other appendix items.

*Public Policy Requirements:* All Federal-wide public policies apply to IHS grants with exception of the discrimination public policy.

3. *Submission Dates and Times:* Applications must be submitted electronically through Grants.gov by 12 midnight Eastern Standard Time (EST) on August 8, 2008. If technical challenges arise and the applicant is unable to successfully complete the electronic application process, the

applicant should contact GPS at (301) 443-6290 at least fifteen days prior to the application deadline and advise of the difficulties that your organization is experiencing. The grantee must obtain prior approval, in writing (c-mails are acceptable) allowing the paper submission. If submission of a paper application is requested and approved, the original and two copies may be sent to the Division of Grants Operations, 801 Thompson Avenue, TMP 360, Rockville, MD 20852. (301) 443-5204, by 12 midnight EST on August 8, 2008. Applications shall be considered as meeting the deadline if they are either: (1) Received by 12 midnight EDT on or before August 8, 2008 as hand carried applications; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applications not submitted through Grants.gov, without an approved waiver, may be returned to the applicant without review or consideration. Late applications will not be accepted for processing and it will be returned to the applicant without review.

If more than one application is received from an 11-IS geographical area, only one award will be made to that particular Area providing a DNP, MSN, BSN, or ADN program.

4. *Intergovernmental Review:* Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. *Funding Restrictions:*

- Pre-award costs are allowable pending prior approval from the awarding agency. However, in accordance with 45 CFR Part 74 all pre-award costs are incurred at the recipient's risk. The awarding office is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award to the recipient is less than anticipated.

- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant will be awarded per program/degree-type.
- IHS will not acknowledge receipt of applications.

6. *Other Submission Requirements:*

*Electronic Submission*—The preferred method for receipt of applications is electronic submission through Grants.gov. However, should any technical challenges arise regarding the submission, please contact Grants.gov Customer Support at 1-800-518-4726

or [support@grants.gov](mailto:support@grants.gov). The Contact Center hours of operation are Monday–Friday from 7 a.m. to 9 p.m. EST. The applicant must seek assistance at least fifteen days prior to the application deadline. Applicants that do not adhere to the timelines for Central Contractor Registry (CCR) and/or Grants.gov registration and/or requesting timely assistance with technical issues will not be a candidate for paper applications.

To submit an application electronically, please use the <http://www.Grants.gov> and select “Apply for Grants” link on the home page. Download a copy of the application package from the Grants.gov Web site, complete it offline and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to IHS.

Please be reminded of the following:

- Under the new IHS application submission requirements, paper applications are not the preferred method. However, if you have technical problems submitting your application on-line, please contact directly Grants.gov Customer Support at: <http://www.grants.gov/CustomerSupport>.

- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver request from GPS must be obtained.

- If it is determined that a formal waiver is necessary, the applicant must submit a request, in writing (e-mails are acceptable), to [Michelle.Bulls@ihs.gov](mailto:Michelle.Bulls@ihs.gov) that includes a justification for the need to deviate from the standard electronic submission process. Upon receipt of approval, a hard-copy application package must be downloaded by the applicant from Grants.gov, and sent directly to the Division of Grants Operations (DGO), 801 Thompson Avenue, TMP 360, Rockville, MD 20852 by August 8, 2008.

- Upon entering the Grants.gov site, there is information available that outlines the requirements to the applicant regarding electronic submission of an application through Grants.gov, as well as the hours of operation. We strongly encourage all applicants not to wait until the deadline date to begin the application process through Grants.gov as the registration process for CCR and Grants.gov could take up to fifteen working days.

- To use Grants.gov, you, as the applicant, must have a Data Universal Numbering System (DUNS) number and register in the CCR. You should allow a minimum often days working days to

complete CCR registration. See below on how to apply.

- You must submit all documents electronically, including all information typically included on the SF-424 and all necessary assurances and certifications.

- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by IHS.

- Your application must comply with any page limitation requirements described in the program announcement.

- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The IHS DUO will download your application from Grants.gov and provide necessary copies to the cognizant program office. DGO will not notify applicants that the application has been received.

- You may access the electronic application for this program on <http://www.Grants.gov>.

- You may search for the downloadable application package by either the CFDA number or the Funding Opportunity Number. Both numbers are identified in the heading of this announcement.

- The applicant must provide the Funding Opportunity Number: HHS-2008-IHS-NU-0001.

E-mail applications will not be accepted under this announcement.

#### DUNS Number

Applicants are required to obtain DUNS number from Dun and Bradstreet to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dnb.com/us/> or call 1-866-705-5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

Applications submitted electronically must also be registered with the CCR. A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling 1-888-227-2423. Please review and complete the CCR Registration Worksheet located on <http://>

[www.grants.gov/applicants/register\\_credential\\_provider.jsp](http://www.grants.gov/applicants/register_credential_provider.jsp).

More detailed information regarding these registration processes can be found at <http://www.grants.gov>.

#### V. Application Review Information

Applications that meet the eligibility requirements will be reviewed by an Ad Hoc Review Committee composed of Tribal, IHS (outside of the respective program office area), and other Federal or non-Federal reviewers. Applications will be reviewed against established criteria. Reviewers will assign a numerical score to each application which will be used to rank the applications. The final funding decision will be made by the Director of Nursing, IHS, who will consider the geographic location to award only one grant within an IHS Area.

##### 1. Criteria

###### A. Methodology (40 Points)

Applicants must train nurses at the graduate level in nurse anesthesia, nurse midwifery, nurse practitioners, nursing-H Healthcare Administration, or undergraduate level at the BSN or ADN degree level and should provide this training in an interdisciplinary manner. The applicant's curriculum should be available via a distance learning model and emphasize and integrate EBP, transcultural nursing, and include a rural health focus. Applicants must define how they will locate and recruit AI/AN students and provide support services to AI/AN students who are recruited to facilitate their success in the nursing program and to track their progress. Applicants must define how they will assist the graduate nurse with job placement and track their payback status to ensure that the obligees comply with the terms of their service obligation. Applicants should have a mechanism in place to provide their students with clinical rotations in AI/AN health programs; have a bridge program agreement between Tribal colleges or universities so as to accommodate LPN to ADN/BSN or BSN to MSN/DNIP and have a faculty exchange program with a Tribal college or university and a university school of nursing.

###### B. Capacity (20 Points)

Applicants must provide verification of accreditation and show they are capable of conducting the project from a technical and business standpoint by providing the qualifications and credentials of key personnel and a sound fiscal plan using the grant funds. Applicants for the Graduate or

Bachelor's level grants must submit verifying documentation of NLNAC or CCNE accreditation. Applicants for ADN grants must submit verifying documentation of NLNAC accreditation. Applicants with LPN programs must submit verifying documentation of NLNAC accreditation or documentation of being in process of obtaining accreditation. All programs must submit verifying documentation of state approval.

#### C. Need (15 Points)

Applicants must justify the need for their project and provide a plan for the methodology they will use for recruiting AI/AN students nation-wide as well as how they will actively assist nursing graduates with job placement.

Applicants must recruit and train AI/AN individuals to be nurses at the graduate and undergraduate level and provide scholarships to those AI/AN individuals enrolled in the school of nursing to pay tuition, books, fees, and stipends for living expenses; provide a program that encourages AI/AN nurses at the graduate and undergraduate level to provide or continue to provide, health care services in AI/AN health care programs; and provide a program that increases the skills of, and provides continuing education to AI/AN nurses at the graduate and undergraduate level.

#### D. Evaluation (15 Points)

Applicants must present a plan for evaluating their success in carrying out the project and on an annual basis conduct a quantitative and qualitative evaluation of their year's activities, identifying what areas of the project need to be improved and how they will make those improvements. Applicants must identify how they will meet on an annual basis with the other project directors and staff under this grant program to share successes and challenges and to receive Federal grant training.

#### E. Prior Experience (10 Points)

Applicants should identify their experience with other similar projects, including the results of those projects and provide evidence of their past or potential cooperation and experience with AI/AN communities and Tribes. Applicants must provide evidence that their program is conducted in cooperation with the center for Gifted and Talented Indian Students established under section 5324(a) of the Indian Education Act of 1988.

#### 2. Review and Selection Process

Each application will be reviewed by the DGO for eligibility, compliance with

the announcement, and completeness. Applications that meet eligibility requirements, are complete, and conform to this announcement will be subject to a competitive, objective review and evaluation by an Ad Hoc Review Committee composed of Tribal, IHS, and other Federal or non-Federal reviewers. Applications will be reviewed against established criteria. Reviewers will assign a numerical score to each application which will be used to rank applications. In making the final funding decision, the Director of Nursing, IHS, will consider geographic location in order to limit only one grant within an IRS Area.

#### 3. Anticipated Announcement and Award Dates

Announcement of award will occur August 22, 2008 and awards will be made September 1, 2008.

### VI. Award Administration Information

#### 1. Award Notices

The Notice of Award (NoA) will be initiated by DGO and will be mailed via postal mail to each entity that is approved for funding under this announcement. The NoA will be signed by the Grants Management Officer and this is the authorizing document for which funds are dispersed to the approved entities. The NoA will serve as the official notification of the grant award and will reflect the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period. The NoA is the legally binding document. Applicants who are approved but unfunded or disapproved based on their Objective Review score will receive a copy of the Executive Summary which identifies the weaknesses and strengths of the application submitted.

#### 2. Administrative Requirements

Grants are administrated in accordance with the following documents:

- This Program Announcement.
- Administrative Requirements: 45 CFR Part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments," or 45 CFR Part 74, Uniform Administrative Requirements for Awards to Institutions of Higher Education, Hospitals, Other Non-Profit Organizations, and Commercial Organizations.
- Grants Policy Guidance: HHS Grants Policy Statement, January 2007.

- Cost Principles: OMB Circular A-87, "State, Local, and Indian" (Title 2 Part 225).

- Cost Principles: OMB Circular A-122, "Non-profit Organizations" (Title 2 Part 230).

- Audit Requirements: OMB Circular A-133, "Audits of States, Local Governments, and Non-profit Organizations."

#### 3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs in their grant application. In accordance with HHS Grants Policy Statement, Part 11-27, IHS requires applicants to have a current indirect cost rate agreement in place prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate means the rate covering the applicable activities and the award budget period. If the current rate is not on file with the DGO at the time of award, the indirect cost portion of the budget will be restricted and not available to the recipient until the current rate is provided to the DGO.

Generally, indirect costs rates for IHS grantees are negotiated with the Division of Cost Allocation <http://rates.psc.gov/> and the Department of Interior (National Business Center) <http://www.nbc.gov/acquisition/ics/icshome.html>. If your organization has questions regarding the indirect cost policy, please contact the DGO at (301) 443-5204.

#### 4. Reporting

A. Progress Report. Program progress reports are required semi-annually for the first two years and annually thereafter if no programmatic issues are identified to ensure progress and compliance. These reports will include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Status Report. Semi-annual financial status reports must be submitted within 30 days of the end of the half year to ensure progress and compliance for the first two years and then financial status reports can be annual if no financial issues are identified. Final financial status reports are due within 90 days of expiration of the budget/project period. Standard

Form 269 (long form) will be used for financial reporting.

C. Reports. Grantees are responsible and accountable for accurate reporting of the Progress Reports and Financial Status Reports which are generally due semi-annually. Financial Status Reports (SF-269) is due 90 days after each budget period and the final SF-269 must be verified from the grantee records on how the value was derived. Grantees must submit reports in a reasonable period of time.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.

5. Telecommunication for the hearing impaired is available at: TTY (301) 443-6394.

**VI. Agency Contact(s)**

For program-related information, contact Ms. Sandra L. Haldane, BSN, RN, MS, Director, Division of Nursing Services, Office of Clinical and Preventative Services, Indian Health Service, 801 Thompson Avenue, Reyes Building, Suite 300, Rockville, MD 20852, (301) 443-1840.

For grants-related information, contact Ms. Norma Jean Dunne, Grants Management Specialist, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP 360, Rockville, MD 20852, (301) 443-5204. (The telephone numbers are not toll-free numbers.)

**VIII. Other Information**

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a PHS-led activity for setting priority areas. This program announcement is related to the priority area of Educational and Community-based programs. You may obtain the objectives from the latest Healthy People 2010, Review. A copy may be obtained by calling the National Center for Health Statistics, telephone (301) 436-8500.

**Smoke Free Workplace**

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Dated: June 20, 2008.

**Robert G. McSwain,**

*Director, Indian Health Service.*

[FR Doc. E8-14457 Filed 6-25-08; 8:45 am]

**BILLING CODE 4165-16-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Proposed Collection; Comment Request; Simulations for Drug Related Science Education**

**SUMMARY:** In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for the opportunity for public comment on proposed data collection projects, the National Institute on Drug Abuse (NIDA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to

the Office of Management and Budget (OMB) for review and approval.

*Proposed Collection: Title:* Simulations for Drug Related Science Education. *Type of Information Collection Request:* NEW. *Need and Use of Information Collection:* This is a request for a one-time clearance to evaluate an interactive multimedia module developed by ArchieMD. This evaluation seeks to determine whether the multimedia module ArchieMD: The Science of Drugs (1) Increases students' knowledge in brain and heart biology and the effects drugs have on the body (2) Increases positive attitudes towards science education for high school students (3) Reinforces or instills negative attitudes towards substance abuse. In order to test the effectiveness of the interactive multimedia module, data will be collected in the form of pre- and post-test surveys from 10th and 11th grade high school students utilizing the developed module. The findings will provide valuable information regarding information pertaining to the use of interactive multimedia educational modules in high school science classrooms and their ability to increase knowledge and change attitudes and perceptions.

*Frequency of Response:* 4. *Affected Public:* High school students engaged with the ArchieMD: The Science of Drugs program. *Type of Respondent:* Participants will include high school students enrolled in the tenth and eleventh grade. *Estimated Total Annual Number of Respondents:* 360. *Estimated Number of Responses per Respondent:* 4. *Average Burden Hours per Response:* One high school period lasting 50 minutes. *Estimated Total Annual Burden Hours Requested:* 1199.95. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. The estimated annualized burden is summarized below.

Type of respondents	Number of respondents	Frequency of response	Average burden hours per response	Estimated total burden hours requested
Participants-High School Students .....	360	4	.8333	1199.95
Total .....	360	4	.8333	1199.95

*Request for Comments:* Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4)

ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

*Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if

received within 60-days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plans, please contact Dr. Cathrine Sasek, Coordinator, Science Education Program, Office of Science Policy and Communications, National Institute on Drug Abuse, 6001 Executive Blvd, Room 5237, Bethesda, MD 20892, or call non-toll-free number (301) 443-6071; fax (301) 443-6277; or by e-mail to [csasek@nida.nih.gov](mailto:csasek@nida.nih.gov).

*Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: June 17, 2008.

**Mary Affeldt,**

*Associate Director for Management, National Institute on Drug Abuse.*

[FR Doc. E8-14436 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Notice of Establishment

Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Director, National Institutes of Health (NIH), announces the establishment of the Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering (Committee).

This Committee shall advise the Director, NIH; the Deputy Director for Intramural Research, NIH; the Director, National Institute of Biomedical Imaging and Bioengineering (NIBIB); and the Scientific Director, NIBIB, concerning the intramural research programs through periodic visits to the laboratories to assess the research in progress, the proposed research, and evaluation of the productivity and performance of tenured, tenure track and staff scientists and physicians.

This Committee will consist of eight members, including the Chair, appointed by the Director, NIH, from authorities knowledgeable about biomedical imaging and bioengineering.

Duration of this committee is continuing unless formally determined by the Director, NIH, that termination would be in the best public interest.

Dated: June 18, 2008.

**Elias A. Zerhouni,**

*Director, National Institutes of Health.*

[FR Doc. E8-14461 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Complementary and Alternative Medicine Special Emphasis Panel; Clinical Science.

*Date:* July 15, 2008.

*Time:* 2 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications; National Institutes of Health.

*Place:* Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Laurie Friedman Donze, PhD, Scientific Review Officer, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301-402-1030, [donzel@mail.nih.gov](mailto:donzel@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Dated: June 20, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14550 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Complementary and Alternative Medicine Special Emphasis Panel; Tools and Technologies to Assess Manual Therapies.

*Date:* July 22, 2008.

*Time:* 11:30 a.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications; National Institutes of Health.

*Place:* Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Laurie Friedman Donze, PhD, Scientific Review Officer, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301-402-1030, [donzel@mail.nih.gov](mailto:donzel@mail.nih.gov).

Dated: June 18, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14555 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Services in Non-Specialty Settings.

*Date:* June 27, 2008.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Aileen Schulte, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6140, MSC 9608, Bethesda, MD 20892-9608, 301-443-1225, [aschulte@mail.nih.gov](mailto:aschulte@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 Mental Health Special Emphasis Panel; Limited Competition for Data Deposition and Analysis of GWAS of Mental Disorders.

*Date:* July 1, 2008.

*Time:* 12 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Peter J. Sheridan, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892, 301-443-1513, [psherida@mail.nih.gov](mailto:psherida@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 18, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14432 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Attention Trajectories from 5 to 7 Years: A Multi-Level Psychobiological Study.

*Date:* July 10, 2008.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852, (Telephone Conference Call)

*Contact Person:* Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, MD 20892, (301) 435-6898, [wallsc@mail.nih.gov](mailto:wallsc@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 18, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14433 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institutes of Child Health and Human Development Special Emphasis Panel; Extramural Associates Research Development Award (EARDA).

*Date:* July 11, 2008.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435-6898, [wallsc@mail.nih.gov](mailto:wallsc@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 18, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14437 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Dental and Craniofacial Research, Special Emphasis Panel Review R13.

*Date:* July 30, 2008.

*Time:* 1:30 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6706 Democracy Blvd., Bethesda, MD 20892. (Telephone Conference Call)

*Contact Person:* Mary Kelly, Scientific Review Officer, Scientific Review Branch, National Inst of Dental & Craniofacial Research, NIH 6701 Democracy Blvd., Room 672, MSC 4878, Bethesda, MD 20892-4878, 301-594-4809, [mary\\_kelly@nih.gov](mailto:mary_kelly@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: June 19, 2008.

#### Jennifer Spaeth,

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14458 Filed 6-25-08; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Environmental Health Sciences, Special Emphasis Panel NIH Pathway to Independence.

*Date:* July 23-24, 2008.

*Time:* 12 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27517.

*Contact Person:* Janice B. Allen, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC-30/Room 3170 B, Research Triangle Park, NC 27709, 919/541-7556.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 18, 2008.

#### Jennifer Spaeth,

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14459 Filed 6-25-08; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Review of Clinical Trial Planning Grants.

*Date:* July 2, 2008.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call)

*Contact Person:* Kan Ma, PhD., Scientific Review Administrator, NIH/NIAMS, EP Review Branch, One Democracy Plaza Suite 800, Bethesda, MD 20892-4872, 301-594-4952, [mak2@mail.nih.gov](mailto:mak2@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 18, 2008.

#### Jennifer Spaeth,

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14460 Filed 6-25-08; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Bariatric Surgery Ancillary Studies.

*Date:* July 17, 2008.

*Time:* 3 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:* Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7791, [goterrobinsonc@extra.nidk.nih.gov](mailto:goterrobinsonc@extra.nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Multi-Center Clinical Studies Planning Grants in Hepatology.

*Date:* July 25, 2008.

*Time:* 4 p.m. to 5:30 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, [davilabloomm@extra.nidk.nih.gov](mailto:davilabloomm@extra.nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Endoscopic Research in Pancreatic and Biliary Disease.

*Date:* July 28, 2008.

*Time:* 1 p.m. to 2:30 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](mailto:tathamt@mail.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Polycystic Kidney Disease Program Projects.

*Date:* August 8, 2008.

*Time:* 9 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7791, [goterrobinsonc@extra.nidk.nih.gov](mailto:goterrobinsonc@extra.nidk.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 20, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14546 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Regulation of Placental Signaling and Function by Maternal Nutrient Availability.

*Date:* July 24, 2008.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Gopal M. Bhatnagar, PhD, Scientific Review Administrator, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Bldg Rm 5B01, Rockville, MD 20852, (301) 435-6889, [bhatnagg@mail.nih.gov](mailto:bhatnagg@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 20, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14548 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Training SEP.

*Date:* July 18, 2008.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Shanta Rajaram, PhD, Scientific Review Administrator, 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](mailto: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.

(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 20, 2008.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E8-14553 Filed 6-25-08; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Public Consultation on a Proposed Framework for Oversight of Dual Use Life Sciences Research

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice of Public Consultation Meeting.

**SUMMARY:** The Federal Government is sponsoring a public consultation to engage the scientific community and research organizations in a discussion of a framework for the oversight of dual use life sciences research proposed by the National Science Advisory Board for Biosecurity (NSABB), which is an advisory committee to the Federal Government. In its report, the NSABB posed a series of questions on which the Board encouraged the Federal Government to solicit public comment. These questions concerned such matters as the clarity of the criteria proposed by the Board for identifying dual use research of concern, institutional oversight responsibilities, who should make determinations regarding dual use research of concern, and how to balance appropriate controls with academic freedom and scientific exchange. This public consultation is an opportunity for members of the scientific community and general public to provide input on these important issues.

**DATE AND TIME:** The one day public consultation will be held on July 15, 2008, from 8:30 a.m. to 5 p.m.

**ADDRESSES:** The public meeting will be held on the National Institutes of Health (NIH) campus. The meeting will be in the Natcher Conference Center, Building 45, Balcony B. The NIH is located at 9000 Rockville Pike, Bethesda, Maryland. There is a metro stop on the NIH campus—Medical Center Station on the Red Line. The Natcher Center is a very short walk from the Metro station and a campus shuttle is also available.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ronna Hill, NIH Office of Biotechnology Activities, by e-mail at [hillro@od.nih.gov](mailto:hillro@od.nih.gov) or by telephone at 301-435-2137. Faxes may be sent to the NIH Office of Biotechnology Activities at 301-496-9839.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Federal Government is sponsoring a public consultation to engage the scientific community and research organizations in a discussion of a framework for the oversight of dual use life sciences research proposed by the NSABB. The proposed framework (accessible at <http://www.biosecurityboard.gov/news.asp>), which has been formally submitted by the Board to the Federal Government for its consideration, outlines key features of oversight of dual use research, including criterion for identifying dual use research of concern, local oversight,

evaluation and risk assessment of research with dual use potential, responsible communication of research with dual use potential, considerations in developing codes of conduct, and the need for outreach and education. The proposed framework also outlines the roles and responsibilities of key individuals and institutions in managing dual use research, including researchers, research institutions, institutional review entities, the NSABB, and the Federal Government.

The public consultation meeting will focus on a set of questions, included in Appendix 2 of the proposed framework, on which the USG and the NSABB would specifically like to solicit comment. These questions concern such matters as the clarity of the criterion proposed by the Board for identifying dual use research of concern; institutional oversight responsibilities, including how to balance appropriate controls with academic freedom and scientific exchange; and approaches to education to enhance awareness of the issue.

The meeting will be conducted as a series of panels where invited speakers and meeting attendees will be asked to discuss particular topics of interest to the Government. Each panel will include ample time for in-depth discussion of the issues surrounding each topic. The three panels will focus on: (1) The criterion for identifying dual use research of concern and associated guidance, (2) the process for identification and oversight of dual use research of concern, and (3) awareness-raising and educational resources. Explanation of and discussion questions for each panel follow:

*Panel I: "Criterion for Identifying Dual Use Research of Concern"*

The NSABB proposed a criterion for identifying "dual use research of concern," i.e., that research with the highest potential for yielding knowledge, products, or technology that could be misapplied to threaten public health or other aspects of national security. The proposed criterion is: "Research that, based on current understanding, can be reasonably anticipated to provide knowledge, products, or technologies that could be directly misapplied by others to pose a threat to public health and safety, agriculture, plants, animals, the environment, or materiel."

In the NSABB report, the criterion is accompanied by guidance that provides examples of research that deserves especially careful consideration with regard to the applicability of the criterion. The guidance is not meant to

be definitive in identifying dual use research of concern, but rather to serve as a tool for focusing attention and evaluation. The U.S. Government is seeking input on the utility of the criterion and the accompanying guidance and on how they could be implemented. The following questions will be discussed in Panel I:

- Is the criterion sufficiently specific and understandable so that it can be applied consistently? If not, how could it be improved?
- Is the criterion too broad? Will the criterion capture research that is not appropriately considered dual use of concern? If so, what are some examples of research that would be inappropriately captured?
- Is the criterion too narrow? Might it fail to include research that should be considered dual use of concern? How might it be modified to be more appropriately encompassing?
- Is the guidance that follows the criterion for identifying dual use research of concern helpful and sufficient? Is it clear and understandable? Should additional categories of research that may yield dual use findings of concern be included in the guidance?
- What share of research at your institution would likely be captured with the proposed criterion for dual use research of concern?

*Panel II: "Responsibilities and Process for the Identification and Oversight of Dual Use Research of Concern"*

Everyone involved in life sciences research has a responsibility for identifying and responding appropriately to dual use research of concern. The NSABB has put forth recommendations regarding the general framework within which these responsibilities for oversight would be carried out. The Federal Government must determine how to translate those recommendations into policies and requirements that would apply to investigators, other laboratory staff, senior research administrators, institutional review committees, and other parties. Toward that end, the government is seeking input on the following matters:

**Investigator Responsibilities**

- Should the principal investigator bear primary responsibility for making the initial determination as to whether his or her research might be considered dual use of concern?
  - If so, how should that determination be made?
    - Should the determination routinely include input from others? If so, who

else should participate in the initial evaluation?

○ To whom should the investigator report this determination?

■ If not, who should make this determination?

#### Institutional Review Responsibilities

• What are the characteristics of a dual use research review committee? What expertise will be needed?

• How should institutional review responsibilities be fulfilled?

■ Should institutions be required to establish their own review committees?

○ Can existing institutional review committees fulfill these characteristics (e.g., the Institutional Biosafety Committee) as is or with some modification?

○ If the IBC, what additional expertise would be needed to facilitate the review of dual use research of concern?

○ Would most institutions likely have the necessary in-house expertise for this review?

○ Would it be helpful to have the option of utilizing a commercial review entity or the review entity at another institution?

■ Should regional committees or a national committee be established

○ As optional review mechanisms?

○ In lieu of a requirement to establish committees at the institutional level?

○ In an advisory capacity (e.g., the NIH RAC) to give recommendations on specific protocols, leaving final approval authority with the institutions?

○ How much of a burden would this proposed oversight system pose to your institution?

*Panel III: "Guidance and Educational Resources Needed To Assist the Research Community in its Fulfillment of Oversight Responsibilities for Dual Use Research"*

Since the outset of its deliberations, the NSABB has noted the importance of awareness in dealing effectively with dual use research and the need for more outreach and education on this issue, particularly to the investigator community, where various studies document a low level of awareness. In its report, the NSABB makes a number of observations and recommendations for promoting awareness, as well as receiving stakeholder input on evolving policies. The NSABB also views several elements of the oversight framework—the code of conduct, communications guidance, and the guidance on identifying dual use research—as key educational tools. The U.S. Government is seeking input on the following matters:

• Has the NSABB identified the major educational and outreach priorities in its report (pages 29–31)? If not, what other priorities should there be?

• How might the following elements of the Oversight Framework be used as educational tools:

■ Criterion and associated guidance.

■ Guidance on responsible communication of dual use research of concern.

■ Code of conduct.

• What other kinds of educational resources, tools, and strategies would be helpful or particularly effective in educating various audiences, such as investigators, research administration, biosafety staff, and others?

This public consultation is open to the public and is free of charge. Pre-registration is encouraged, however, due to limited space. To pre-register, please access the pre-registration link at <http://www.biosecurityboard.gov/meetings.asp>.

Any groups or individuals who cannot attend the meeting are encouraged to submit written comments in advance of the meeting to Mr. Allan Shipp, NIH Office of Biotechnology Activities by e-mail at [shippa@od.nih.gov](mailto:shippa@od.nih.gov) or by Fax at 301–496–9839.

Dated: June 19, 2008.

**Amy P. Patterson,**

*Director, Office of Biotechnology Activities, National Institutes of Health.*

[FR Doc. E8–14438 Filed 6–25–08; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2008–0067]

### The National Infrastructure Advisory Council

**AGENCY:** Directorate for National Protection and Programs, Department of Homeland Security.

**ACTION:** Committee Management; Notice of Federal Advisory Council Meeting.

**SUMMARY:** The National Infrastructure Advisory Council will meet on Tuesday July 8, 2008 in Washington, DC. The meeting will be open to the public. Notice of this meeting was previously published in the **Federal Register** to permit timely solicitation of public comment. This notice provides the meeting location. This notice is being published less than 15 days before the date of the meeting because the meeting location has just been finalized.

**DATES:** The National Infrastructure Advisory Council will meet Tuesday,

July 8, 2008 from 1:30 p.m. to 4:30 p.m. Please note that the meeting may close early if the committee has completed its business. For additional information, please consult the NIAC Web site, <http://www.dhs.gov/niac>, or contact Timothy McCabe by phone at 703–235–2888 or by e-mail at [timothy.mccabe@associates.dhs.gov](mailto:timothy.mccabe@associates.dhs.gov).

**ADDRESSES:** The meeting will be held at the Ritz-Carlton Hotel's Salon I, 1150 22nd Street, NW., Washington, DC 20037. While we will be unable to accommodate oral comments from the public, written comments may be sent to Carlos Kizzee, Department of Homeland Security, Directorate for National Protection and Programs, Washington, DC 20528. Written comments should reach the contact person listed no later than July 1, 2008. Comments must be identified by DHS–2008–0067 and may be submitted by one of the following methods:

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

• **E-mail:**

[timothy.mccabe@associates.dhs.gov](mailto:timothy.mccabe@associates.dhs.gov).

Include the docket number in the subject line of the message.

• **Fax:** 703–235–3055.

• **Mail:** Carlos Kizzee, Department of Homeland Security, Directorate for National Protection and Programs, Washington, DC 20528.

**Instructions:** All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received by the National Infrastructure Advisory Council, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Carlos Kizzee, NIAC Designated Federal Officer, Department of Homeland Security, Washington, DC 20528; telephone 703–235–2888.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The National Infrastructure Advisory Council shall provide the President through the Secretary of Homeland Security with advice on the security of the critical infrastructure sectors and their information systems.

The National Infrastructure Advisory Council will meet to address issues relevant to the protection of critical infrastructure as directed by the

President. The July 8, 2008 meeting will include status reports from its two new Working Groups:

- (1) The Frameworks for Dealing With Disasters and Related Interdependencies Working Group and
- (2) The Critical Partnership Strategic Assessment Working Group.

#### Procedural

While this meeting is open to the public, participation in The National Infrastructure Advisory Council deliberations is limited to committee members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the NIAC Secretariat at 703-235-2888 as soon as possible.

Dated: June 19, 2008.

**Carlos Kizze,**

*Designated Federal Officer for the NIAC.*

[FR Doc. E8-14525 Filed 6-25-08; 8:45 am]

BILLING CODE 4410-10-P

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

[Docket Nos. TSA-2006-24191; Coast Guard-2006-24196]

#### Transportation Worker Identification Credential (TWIC); Enrollment Dates for the Ports of Longview, WA and Vancouver, WA

**AGENCY:** Transportation Security Administration; United States Coast Guard; DHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Homeland Security (DHS) through the Transportation Security Administration (TSA) issues this notice of the dates for the beginning of the initial enrollment for the Transportation Worker Identification Credential (TWIC) for the Ports of Longview, WA and Vancouver, WA.

**DATES:** TWIC enrollment begins in Longview on June 26, 2008 and Vancouver on July 3, 2008.

**ADDRESSES:** You may view published documents and comments concerning the TWIC Final Rule, identified by the docket numbers of this notice, using any one of the following methods.

(1) Searching the Federal Docket Management System (FDMS) Web page at [www.regulations.gov](http://www.regulations.gov);

(2) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>; or

(3) Visiting TSA's Security Regulations Web page at <http://www.tsa.gov> and accessing the link for "Research Center" at the top of the page.

#### FOR FURTHER INFORMATION CONTACT:

James Orgill, TSA-19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220. Transportation Threat Assessment and Credentialing (TTAC), TWIC Program, (571) 227-4545; e-mail: [credentialing@dhs.gov](mailto:credentialing@dhs.gov).

#### Background

The Department of Homeland Security (DHS), through the United States Coast Guard and the Transportation Security Administration (TSA), issued a joint final rule (72 FR 3492; January 25, 2007) pursuant to the Maritime Transportation Security Act (MTSA), Pub. L. 107-295, 116 Stat. 2064 (November 25, 2002), and the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Pub. L. 109-347 (October 13, 2006). This rule requires all credentialed merchant mariners and individuals with unescorted access to secure areas of a regulated facility or vessel to obtain a TWIC. In this final rule, on page 3510, TSA and Coast Guard stated that a phased enrollment approach based upon risk assessment and cost/benefit would be used to implement the program nationwide, and that TSA would publish a notice in the **Federal Register** indicating when enrollment at a specific location will begin and when it is expected to terminate.

This notice provides the start date for TWIC initial enrollment at the Ports of Longview, WA on June 26, 2008; and Vancouver, WA on July 3, 2008. The Coast Guard will publish a separate notice in the **Federal Register** indicating when facilities within the Captain of the Port Zone Portland, including those in the Ports of Longview and Vancouver must comply with the portions of the final rule requiring TWIC to be used as an access control measure. That notice will be published at least 90 days before compliance is required.

To obtain information on the pre-enrollment and enrollment process, and enrollment locations, visit TSA's TWIC Web site at <http://www.tsa.gov/twic>.

Issued in Arlington, Virginia, on June 20, 2008.

**Rex Lovelady,**

*Program Manager, TWIC, Office of Transportation Threat Assessment and Credentialing, Transportation Security Administration.*

[FR Doc. E8-14412 Filed 6-25-08; 8:45 am]

BILLING CODE 9110-05-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

#### Agency Information Collection Activities: Form I-508 and Form I-508F, Revision of a Currently Approved Information Collection; Comment Request

**ACTION:** 30-Day Notice of Information Collection Under Review: Form I-508 and Form I-508F, Waiver of Rights, Privileges, Exemptions and Immunities; OMB Control No. 1615-0025.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on March 31, 2008, at 73 FR 16895 allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 28, 2008. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202-272-8352 or via e-mail at [rfs.regs@dhs.gov](mailto:rfs.regs@dhs.gov), and to the OMB USCIS Desk Officer via facsimile at 202-395-6974 or via e-mail at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

When submitting comments by e-mail please make sure to add OMB Control Number 1615-0025 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

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

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

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

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Waiver of Rights, Privileges, Exemptions and Immunities.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-508 and Form I-508F. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is used by the USCIS to determine eligibility of an applicant to retain the status of an alien lawfully admitted to the United States for permanent residence.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form I-508—1,800 responses at 5 minutes (.083) per response, and Form I-508F—200 responses at 5 minutes (.083) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 166 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at <http://www.regulations.gov/search/index.jsp>.

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529, (202) 272-8377.

Dated: June 23, 2008.

**Stephen Tarragon,**

*Acting Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. E8-14513 Filed 6-25-08; 8:45 am]

BILLING CODE 9111-97-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### Notice of Issuance of Final Determination Concerning Fiber Optic Cable With End Connectors

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

**ACTION:** Notice of final determination.

**SUMMARY:** This document provides notice that U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of certain fiber optic cable with end connectors which may be offered to the United States Government under an undesignated government procurement contract. Based upon the facts presented, in the final determination CBP concluded that the United States is the country of origin of the fiber optic cable with end connectors for purposes of U.S. Government procurement.

**DATES:** The final determination was issued on June 20, 2008. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within July 28, 2008.

**FOR FURTHER INFORMATION CONTACT:** Gerry O'Brien, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202-572-8792).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on June 20, 2008, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of fiber optic cable with end connectors which may be offered to the United States Government under an undesignated government procurement contract. This final determination, in HQ H025747, was issued at the request of Score Fiber Optics under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade

Agreements Act of 1979, as amended (19 U.S.C. 2511-18). In the final determination, CBP concluded that, based upon the facts presented, certain fiber optic cable exported from the United States, processed in China into fiber optic cable with end connectors is not substantially transformed in China, such that the United States is the country of origin of the finished article for purposes of U.S. Government procurement.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: June 20, 2008.

**Sandra L. Bell,**

*Executive Director, Office of Regulations and Rulings, Office of International Trade.*

**HQ H025747**

June 20, 2008

MAR-2-05 OT:RR:CTF:VS H025747  
GOB

Category: Marking.

Craig J. Catalano, Vice President of Global Development, Score Fiber Optics, 380 Townline Road, Hauppauge, NY 11788

Re: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP Regulations; Fiber Optic Cable

Dear Mr. Catalano: This is in response to your letter of December 13, 2007, requesting a final determination on behalf of Score Fiber Optics ("Score"), pursuant to subpart B of Part 177, Customs and Border Protection ("CBP") Regulations (19 CFR 177.21 *et seq.*). Your letter of December 13, 2007, as well as your later correspondence of January 24, 2008 and February 27, 2008, were forwarded to this office by the National Commodity Specialists Division by memorandum of March 25, 2008. Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in

U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of certain fiber optic cable with end connectors. We note that Score is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

#### Facts

You describe the pertinent facts as follows. Both Score and its parent company, Epcom,<sup>1</sup> purchase fiber optic cable from an unrelated company in the United States, Corning, Inc. (“Corning”). Corning states that the fiber optic cable is produced in the United States and has provided a Certificate of Origin indicating that 50 cartons of the fiber optic cable are a product of the United States. The fiber optic cable is a standard fiber optic cable and may consist of one or more fiber optic fibers for strength. A thermoplastic coating provides protection for the very thin fibers. Score exports the spools of finished fiber optic cable to China where the fiber optic cable is cut to length and metal connectors made in China are applied to the fiber optic cable. Specifically, the spooled fiber optic cable is cut to length. Each end of the cut cable is threaded through a metal holder where about two inches of sheathing are removed from each end of the cable. Any exposed fiber is cut off and the plastic jacketing of the optical fiber is removed. The exposed fiber is cleaned with alcohol and measured. It is then threaded through a connector, glued to the connector, and excess fiber is trimmed. The connectors are placed into a finishing machine, where the fiber ends are automatically beveled and polished. Metal springs are inserted into a connector and welded into place. The connectors are cleaned and tested.

Score purchases or manufactures a metal ferrule in China. The ferrule, which is a hollow cylinder, is used to align the ends of the optical fibers as the fibers are inserted into the connectors. The hollow center of the ferrule contains one channel that is designed to fit the optical fiber and to align the fiber ends, enabling light to pass through the connection. Score purchases or manufactures metal parts to be used in the cable connectors. These parts are made in China.

You furnished a sample (item no. SS-11SCU-SCU-001) which is a single optical fiber, approximately 42 inches long, with thermoplastic coating and

connectors at each end. You state that Score will be exporting and reimporting many similar products. The finished article is used to connect equipment to telecommunication networks.

In addition to country of origin for government procurement, you ask if you may mark the fiber optic cable “Made in the United States.”

#### Issue

What is the country of origin of the subject fiber optic cable with end connectors for the purpose of U.S. Government procurement?

#### Law and Analysis

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

*See also*, 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. See 19 CFR 177.21. In this regard, CBP recognizes that the Federal Procurement Regulations restrict the U.S. Government’s purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. See 48 CFR 25.403(c)(1). The Federal Procurement Regulations define “U.S.-made end product” as:

\* \* \* an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 CFR 25.003.

In determining whether the combining of parts or materials

constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int’l Trade 1983), *aff’d*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. *See*, C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred.

*Uniroyal, Inc. v. United States*, 3 CIT 220, 542 F. Supp. 1026 (1982), *aff’d* 702 F.2d 1022 (Fed. Cir. 1983). In *Uniroyal*, the court determined that a substantial transformation did not occur when an imported upper, the essence of the finished article, was combined with a domestically produced outsole to form a shoe.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item’s components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In HQ 561392 dated June 21, 1999, CBP considered the country of origin marking requirements of an insulated electric conductor which involved an electrical cable with pin connectors at each end used to connect computers to printers or other peripheral devices. The cable and connectors were made in Taiwan. In China, the cable was cut to length and connectors were attached to the cable. CBP held that cutting the cable to length and assembling the cable to the connectors in China did not result in a substantial transformation. In HQ 560214 dated September 3, 1997, CBP held that where wire rope cable was cut to length, sliding hooks were put on the rope, and end ferrules were swaged on in the U.S., the wire rope cable was not

<sup>1</sup> Your submission indicates that Score and Epcom act together in the activities described in this ruling.

substantially transformed. CBP concluded that the wire rope maintained its character and did not lose its identity and did not become an integral part of a new article when attached with the hardware. In HQ 555774 dated December 10, 1990, CBP held that Japanese wire cut to length and electrical connectors crimped onto the ends of the wire was not a substantial transformation. In HQ 562754 dated August 11, 2003, CBP found that cutting of cable to length and assembling the cable to the Chinese-origin connectors in China did not result in a substantial transformation of the cable.

Based upon the facts presented and the pertinent authorities, we determine that U.S.-origin fiber optic cable exported to China and processed in China as described above, is not substantially transformed in China into a new and different article of commerce with a name, character, and use distinct from the article exported. Therefore, the fiber optic cable with end connectors is considered a product of the United States for the purpose of government procurement.

Further, the fiber optic cable with end connectors is not required to be marked "Made in China." For a determination as to whether you may mark the finished product "Made in the U.S.," please contact the Federal Trade Commission.

### Holding

The fiber optic cable of U.S. origin, which is exported to China and processed in China as described above, is not substantially transformed in China into a new and different article of commerce with a name, character, and use distinct from the article exported. Therefore, the fiber optic cable is considered a product of the United States for the purpose of government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days after publication of the **Federal Register** notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,  
Sandra L. Bell,

*Executive Director, Office of Regulations and Rulings, Office of International Trade.*

[FR Doc. E8-14531 Filed 6-25-08; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R4-R-2008-N0137; 40136-1265-0000-S3]**

#### Archie Carr National Wildlife Refuge, Brevard and Indian River Counties, FL

**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 Archie Carr 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 28, 2008.

**ADDRESSES:** Requests for copies of the Draft CCP/EA should be addressed to: Archie Carr National Wildlife Refuge, P.O. Box 6504, Titusville, FL 32782-6504. Please indicate whether you would like a hardcopy or a compact diskette. The Draft CCP/EA may also be accessed and downloaded from the Service's Internet site: <http://southeast.fws.gov/planning>. You may also visit the refuge office at 1339 20th Street, Vero Beach, FL to obtain a copy. Comments on the Draft CCP/EA may be submitted to the above address or via electronic mail to: [ArchieCarrCCP@fws.gov](mailto:ArchieCarrCCP@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Cheri Ehrhardt, Natural Resource Planner; Telephone: 321/861-2368, or Joanna Webb, Park Ranger, Archie Carr National Wildlife Refuge; Telephone: 772/562-3909.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

With this notice, we continue the CCP process for Archie Carr National Wildlife Refuge. We started the process through a notice in the **Federal Register** on April 24, 2000 (65 FR 21784).

The Archie Carr National Wildlife Refuge is administered under the

Merritt Island National Wildlife Refuge Complex and co-managed with Pelican Island National Wildlife Refuge. Archie Carr Refuge is located along Florida's southeast coast between Melbourne Beach and Wabasso Beach in Brevard and Indian River Counties. Named after the famed sea turtle researcher, Dr. Archie F. Carr, the refuge was authorized in 1989 and established in 1991 to conserve threatened and endangered wildlife, especially sea turtles. The refuge is more than 250 acres in size and supports hundreds of wildlife and plant species. In addition, the refuge provides protection for listed terrestrial species and native wildlife and habitat diversity across a mix of habitats, including maritime hammock and coastal scrub. The refuge consists of four segments spanning 20.5 miles and protects historical and archaeological sites. Several partners work with the Service to manage and protect wildlife and habitat along this stretch of the barrier island. A growing human population along with ongoing development and other human activities currently threaten the refuge.

### 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: Wildlife and habitat management, resource protection, visitor services, and refuge administration.

### CCP Alternatives, Including Our Proposed Alternative

We developed four alternatives for managing the refuge and chose Alternative B 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*

The refuge currently conducts limited management activities to protect sea turtles and other listed species; enhance biodiversity; and control exotic, invasive, and nuisance species.

From March 1 through September 30, the refuge conducts daily sea turtle nest surveys along five miles of beach in Indian River County. Partners survey thirteen miles in Brevard County and three miles of the Sebastian Inlet State Park. Completion of the surveys is dependent upon volunteers and partners. Nest predation rates are targeted at less than 10 percent, achieved through a combination of management techniques, including monitoring, trapping in target areas, and euthanizing nuisance animals. The refuge coordinates with Brevard and Indian River Counties and the Archie Carr Working Group to address lighting issues and unauthorized beach activities. The refuge also participates in stranded and injured sea turtle rescues. Further, the refuge annually supports about six sea turtle research studies on and around the refuge.

Minimal southeastern beach mouse activities are conducted on the refuge, with occasional surveys conducted by researchers. However, the refuge is currently working with the Service's North Florida Ecological Services' Field Office, the University of Central Florida, and the Cape Canaveral Air Force Station to translocate beach mice from the Air Force Station to refuge-managed lands just north of Sebastian Inlet in an effort to reestablish an extirpated population. The refuge is working with Sebastian Inlet State Park to conduct habitat management and monitoring activities in support of the translocation efforts.

The primary habitat management activity conducted by the refuge involves implementation of prescribed burns in scrub habitat on 5-year rotations. Fire suppression and prescribed burns are conducted by the Merritt Island National Wildlife Refuge fire crew in close coordination with Brevard County, Florida Park Service, and Florida Division of Forestry.

Minimal refuge management activities address exotic, invasive, and nuisance species control beyond the trapping of

raccoons in relation to sea turtle nest protection. Although volunteers annually treat about five acres of refuge lands for exotic plants, the partners are actively conducting exotic plant control efforts on their properties. The refuge also seeks grants to control invasive exotics.

The refuge responds to cultural resource issues as they arise, coordinating with Merritt Island Refuge's law enforcement staff and the Regional Archaeologist. Currently, no law enforcement presence exists on the refuge, hence resource protection is minimal.

All authorized visitor activities within the refuge originate on partner properties. Other than special tours and research activities and limited uses that occur in the small area above mean high water and below the vegetation along the shorelines, the refuge's properties are closed to public access. All fishing activities occur on and from partner properties, with some fishing occurring along the refuge's Indian River Lagoon and Atlantic Ocean shorelines; however, unapproved access currently occurs through closed refuge lands. Wildlife viewing and photography opportunities occur on partner properties. The refuge annually conducts ten sea turtle viewing programs, while the partners conduct an additional forty programs.

All facilities, equipment, utilities, and staff are shared with nearby Pelican Island National Wildlife Refuge, with an office co-located with the South Florida Ecological Services' field office in Vero Beach, Florida. The refuge shares four full-time staff positions with Pelican Island Refuge, with two positions targeted for elimination. Archie Carr Refuge historically has received endangered species recovery funding to support sea turtle monitoring and protection and to hire a seasonal biological science technician; however, this funding activity ends in 2008.

#### *Alternative B—Rare, Threatened, and Endangered Species (Proposed Action)*

The refuge would expand management activities to protect federal and state listed species, migratory birds, and native wildlife and habitat diversity; expand management activities to control exotic, invasive, and nuisance species; and develop management activities to address the impacts of climate change on the refuge's resources.

Sea turtle nest surveys would continue as in Alternative A. Nest predation rates would be lowered from 10 percent to less than 5 percent through trapping. The refuge would continue to coordinate with Brevard and

Indian River Counties and Archie Carr Working Group to address lighting issues and unpermitted beach activities. The refuge would continue to participate in rescuing stranded and injured sea turtles. Further, the refuge would foster needed research to support sea turtle recovery and would work with the Service's South Florida Ecological Services' Office to develop sea turtle recovery targets. Management activities would include oversight of beach and dune restoration and mitigation of effects from erosion control efforts.

Southeastern beach mouse management activities would be expanded. The refuge would actively modify and restore habitats to serve beach mice, including mechanical cutting of vegetation, prescribed burning, and planting of sea oats and other forage plants.

The refuge would develop management activities to address the needs of gopher tortoises. This would include working with the partners to evaluate and implement, where feasible, projects to reduce vehicle mortality.

Since only one known Florida scrub-jay family is known to occur on the refuge, the Service would evaluate its ability to meet the needs of this bird. The refuge would coordinate with the scrub-jay recovery team to evaluate management of refuge habitats to support the species. If determined to be feasible, the refuge would work with partners to restore former scrub-jay habitat on tracts in Segment 1, especially in the area of Twin Shores Park and Coconut Point Park.

The refuge would work with partners to minimize impacts to wood storks and the conflicts with humans (e.g., at fish cleaning houses). The refuge would expand management activities in relation to the bald eagle, piping plover, eastern indigo snake, and West Indian manatee.

Habitat management activities would be expanded or developed for scrub, the beach and dune system, and mangroves and wetlands. The refuge could continue to conduct regular prescribed burns in scrub habitat to help increase the amount and quality of scrub acreage managed on the refuge.

Control of exotic, invasive, and nuisance species activities would be expanded and focused on high priority habitats serving rare, threatened, and endangered species.

The refuge would institute management activities to address the impacts of climate change on refuge resources. This would be accomplished by coordinating with researchers and partners to identify climate change research needs for the refuge, and

investigating the impacts of climate change on rare, threatened, and endangered species and their habitats.

The Service would pursue completion of the acquisition boundary from willing sellers through prioritized active acquisition efforts on those properties east of State Route A1A, and those adjacent to existing conservation lands. Land swaps, if necessary, would be used to protect high priority properties.

The refuge would continue to respond to cultural resource issues as they arise, but would expand efforts in relation to protection of the Oak Lodge Site.

A Pelican Island Refuge law enforcement officer would be shared with Archie Carr Refuge to conduct both nighttime and daytime patrols. Nighttime patrols would be conducted during the sea turtle nesting season to protect sea turtles from poaching and harassment.

All permitted visitor activities would continue to occur on partner properties. Other than special tours and research activities, the refuge's properties would remain closed to public access.

Although users would continue to access the beach from partner properties and access the refuge's shoreline along the Indian River Lagoon above mean high water and below the vegetation. The refuge would continue to work directly with the partners to install kiosks at all approved beach access points, with messages focusing on the protection of rare, threatened, and endangered species.

All fishing activities would continue to occur or originate on partner properties. Unapproved access through closed refuge lands would be eliminated, and fishing activities would be directed toward approved access points. The refuge would work with the partners to evaluate the need to develop additional dune crossovers and to expand the monofilament recycling program.

Wildlife viewing and photography opportunities would continue to occur on partner properties. Environmental education and interpretive opportunities would be increased, and the refuge would develop on- and off-site curriculum-based and interpretive programs with messages focused on rare, threatened, and endangered species and the minimization of human impacts. The volunteer program would increase and volunteers would be coordinated by staff.

The refuge would continue to share facilities, equipment, utilities, and staff with Pelican Island Refuge, but would have its own budget and some of its own full-time staff members. The refuge would share a wildlife refuge manager,

assistant refuge manager, refuge officer, administrative assistant, supervisory park ranger, supervisory maintenance worker, and wildlife biologist with Pelican Island Refuge. The staff specific to the refuge would include: Park ranger (volunteer coordinator/outreach and environmental education), maintenance worker, biological science technician, and a seasonal biological science technician (trapper).

#### *Alternative C (Migratory Birds)*

Sea turtle monitoring and patrol efforts would be altered to minimize their effects on nesting shorebirds. If sea turtle surveys and other beach-side activities associated with these species were determined to have a negative effect on nesting shorebirds, these efforts would have to be altered. Likewise, southeastern beach mouse monitoring would have to be scaled back or otherwise adjusted if these activities conflicted with migratory bird management needs. Gopher tortoise, Florida scrub-jay, wood stork, and eastern indigo snake management would remain unchanged.

For bald eagles, potential future nest sites would be protected. If eagles were found to be present, the refuge would adapt management as necessary, including creating closed areas to protect the site from human and pet disturbance.

Migratory bird management would increase under this alternative. Management of piping plovers would increase with annual wintering surveys. Survey and monitoring efforts would be expanded for neotropical migratory birds, shorebirds, wading birds, water birds, and waterfowl. The refuge would work with partners to identify the potential for larger, unfragmented forests to serve the needs of these trust species. Shorebird management would include the closure of key areas to limit disturbance, including the alteration or elimination of sea turtle surveys in locations where shorebirds are particularly vulnerable. Law enforcement would be increased to enforce "no dogs on beach" zones, where applicable. For wading and water birds, the refuge would work with the partners to increase the ability in the area to rehabilitate injured birds. With regards to waterfowl, the refuge would work with partners to manage impoundments to also benefit waterfowl.

Control of exotic, invasive, nuisance, and free-roaming/feral species would be expanded. The refuge would focus exotic plant control efforts on high priority habitats for migratory birds (e.g., maritime hammock). In addition,

the refuge would coordinate with the partners to control feral and free-roaming animals to minimize adverse impacts to migratory birds.

Under this alternative, the refuge would complete the boundary survey and prioritize active acquisition efforts on those properties with high migratory bird values. In addition, the refuge would consider a coordinated land management approach and consolidate those areas publicly held by multiple partners under the lead management of one entity (e.g., through management agreements and land swaps).

A complete archaeological and historical survey of the refuge would be conducted. The refuge would also actively work with the partners to acquire or otherwise manage and protect the historically important Oak Lodge Site due to its contributions to research and historical data on migratory birds of the barrier island.

Visitor services would be expanded under this alternative. Visitor informational resources would be altered with messages emphasizing migratory birds. An interpretive kiosk would be added to the Oak Lodge Site and a bird list would be developed.

Management of fishing would be increased under this alternative. The refuge would work with the partners to provide information to the fishing public regarding the impacts of fishing activities on migratory birds (e.g., disturbance of shorebirds and monofilament line). All unapproved foot trails to public access through refuge properties would be closed, and the fishing public would be directed to approved access points. The need to create additional dune crossovers on partner properties would be evaluated.

Wildlife viewing and photography would be changed from current management efforts. The sea turtle walk programs conducted by the Service would be eliminated. The refuge would work with the partners to develop informational materials for partners' trails to include migratory bird messages of the refuge. Staff and/or volunteer-led migratory bird walks would be developed by the refuge. Environmental education, interpretation, and outreach activities would be expanded.

Alternative C would increase staffing levels. Staff shared with Pelican Island Refuge would include: Wildlife refuge manager, assistant refuge manager, refuge officer, administrative assistant, supervisory park ranger, supervisory maintenance worker, and wildlife biologist for a total of seven shared full-time employees. Full-time refuge-specific staff would include: Biological science technician, park ranger, and

maintenance worker for a total of three full-time employees.

#### *Alternative D (Wildlife and Habitat Diversity)*

For sea turtles, regular law enforcement patrols would be conducted to protect these marine reptiles from disturbance and harassment. In addition, the refuge would work with private landowners and beach goers to minimize impacts to sea turtles (e.g., barriers to nesting, harassment of nesting and hatching sea turtles, and lighting). The refuge would coordinate and analyze sea turtle data and work with the partners to understand and manage nearshore habitats.

Management of southeastern beach mice would include modifying and restoring habitats utilized by this species, including maintaining and opportunistically planting sea oats and other forage plants. The refuge would increase control of feral predators.

Gopher tortoise management would be expanded under this alternative. The refuge, working with the partners, would identify locations where the gopher tortoise is especially vulnerable to vehicle collisions and evaluate the feasibility of developing wildlife underpasses, especially during roadway maintenance work. Gopher tortoise crossing signs would be posted in key areas.

To minimize injury and drowning, the refuge would coordinate with partners to prevent manatees from entering water control structures.

Piping plovers and eastern indigo snakes would be included in wildlife diversity surveys in an effort to determine the extent of their presence on the refuge.

Control of exotic, invasive, and nuisance species would be expanded. The refuge would locate and identify new infestations of Categories I and II plants and work to eradicate these, while controlling non-native plants already established. It would coordinate with partners to control feral and free-roaming animals.

The refuge would increase its efforts to minimize the effects of climate change. First, it would coordinate with researchers and partners to investigate the impacts of climate change on refuge resources and identify climate change research needs. It would foster and conduct needed research studies and adapt management as necessary.

Under Alternative D, the refuge would complete the boundary survey and prioritize active acquisition efforts on those properties with high biodiversity values. The refuge would work to

complete acquisition of lands within the acquisition boundary from willing sellers and use land swaps, where appropriate, as a method to meet this objective. Through collaboration with partners, areas high in biodiversity and wildlife corridors would be identified and protected.

Under this alternative, a complete archaeological and historical survey of the refuge would be conducted. The refuge would also actively work with the partners to acquire or otherwise manage and protect the Oak Lodge Site due to its contributions to research and historical data on barrier island biodiversity.

Visitor service programs would be expanded under this alternative. Informational resources available to visitors would emphasize biodiversity on the refuge. The refuge would work with the partners to incorporate wildlife and habitat diversity messages into their signage.

Fishing would be increased. The refuge would close all unapproved foot trails to public access through refuge properties and direct the fishing public to approved access points. The need to create additional dune crossovers on partner properties would be evaluated.

Wildlife viewing and photography would be changed from current management efforts. Sea turtle walk programs conducted by the Service would remain the same. The refuge would work with the partners to develop informational materials for partners' trails to include wildlife and habitat diversity messages of the refuge. Staff and/or volunteer-led migratory bird walks would be developed by the refuge.

The refuge would increase environmental education, interpretation, and outreach activities under this alternative. Through collaborative efforts with the partners, the refuge would incorporate more information on biodiversity into existing education programs. On- and off-site interpretive programs aimed at maintaining or increasing biodiversity and the minimization of human impacts would be developed.

Nighttime access to the beach from refuge properties would be eliminated and the refuge would close all unapproved foot trails to public access through its properties. On partner properties, the refuge would collaborate to eliminate nighttime access to the beach via unapproved foot trails. In addition, the need to close, relocate, or build dune crossovers at these sites would be evaluated.

Under Alternative D, staff levels would be increased. Shared staff with

Pelican Island Refuge would include: Wildlife refuge manager, assistant refuge manager, refuge officer, administrative assistant, supervisory park ranger, supervisory maintenance worker, and wildlife biologist for a total of seven shared full-time positions. Full-time refuge-specific staff would include: Biological science technician, park ranger, maintenance worker, and seasonal biological science technician for a total of 3.5 full-time positions.

#### **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: June 9, 2008.

**Cynthia K. Dohner,**

*Acting Regional Director.*

[FR Doc. E8-14478 Filed 6-25-08; 8:45 am]

**BILLING CODE 4310-55-P**

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

**[FWS-R6-R-2008-N0122; 60138-1265-6CCP-S3]**

#### **Draft Comprehensive Conservation Plan for Sullys Hill National Game Preserve, Fort Totten, ND**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce that our Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for Sullys Hill National Game Preserve is available. This Draft CCP/EA describes how the Service intends to manage this refuge for the next 15 years.

**DATES:** To ensure consideration, we must receive your written comments on the draft CCP/EA by July 28, 2008.

**ADDRESSES:** Please provide written comments to Laura King, Planning Team Leader, c/o Tewakoon National Wildlife Refuge, 9756 143½ Ave., SE., Cayuga, North Dakota 58013 or via facsimile at (701) 724-3683; or electronically to [laura\\_king@fws.gov](mailto:laura_king@fws.gov). A copy of the CCP/EA may be obtained by writing to U.S. Fish and Wildlife Service, Division of Refuge Planning, 134 Union Boulevard, Suite 300, Lakewood, Colorado 80228; or by download from <http://mountain-prairie.fws.gov/planning>.

**FOR FURTHER INFORMATION CONTACT:** Laura King, (701) 724-3596 (phone); 701-724-3683 (fax); or [laura\\_king@fws.gov](mailto:laura_king@fws.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** Sullys Hill National Game Preserve, established in 1904, is a 1,675-acre National Wildlife Refuge sitting on the south shores of Devils Lake, about 10 miles south of the city of Devils Lake, North Dakota. This Refuge supports a unique community of habitats such as an oak, ash, basswood and aspen woodland, mixed grassed prairie, and some natural wetlands. These diverse habitats provide "edge" habitat for over 250 species of migratory birds, plains bison, Rocky Mountain elk, white-tailed deer, turkeys, and prairie dogs.

The Refuge is one of only 19 designated natural areas in North Dakota, of which only four are National Wildlife Refuges. It is also one of only four Refuges nationally established for bison conservation.

Sullys Hill National Game Preserve has over 60,000 visitors annually. The Refuge is becoming a progressive regional conservation learning center, promoting the conservation role of the National Wildlife Refuge System while educating visitors about the functions and benefits of prairie wetlands and grasslands. Per its legislative purpose, there is no hunting permitted on this Refuge.

This draft CCP/EA identifies and evaluates three alternatives for managing the refuge for the next 15 years. Under Alternative A, funding, staff levels, and management activities at the Refuge would not change. Ungulates would be maintained at historic levels (25-35 bison, 20-30 elk and 30-50 white-tailed deer). Season-long grazing with infrequent prescribed fire would continue, limiting forest regeneration and resulting in continued decline of native prairie. Available habitat for forest interior breeding birds would be limited. Herd health history would continue to be collected and shared with applicable State and Federal agencies. The environmental

education and interpretation program would continue to take requests to participate in various teacher and/or Service staff-led on-site conservation programs. Visitor use would be limited to the seasonal auto tour route, nature trails, and visitor center depending primarily on volunteer availability. Cultural resource evaluations would be done to fulfill compliance with historic preservation laws. Only one staff person would be assigned to this Refuge.

Under Alternative B, habitat management would begin to address reduced forest regeneration by managing the uncontrolled browsing of bison, elk, and white-tailed deer within the big game forests. Ungulates would be maintained, as per the Fenced Animal Management Plan (25-40 bison; 15-25 elk; 10-30 white-tailed deer). The refuge would establish woodland restoration units, totalling 80 acres, using various management tools including exclusion fences. Chemical, biological and mechanical techniques (such as prescribed fire) would be used to enhance habitats for the benefit of grassland and forest interior breeding birds. Fuels treatment (including prescribed fire or other mechanical means) would be used to reduce hazardous fuels, minimizing the threat to life and property. Invasive species would be treated and areas restored. Visitors would be provided seasonal opportunities to view wildlife and learn about the Refuge. There would be an increase in on-site educational programs for adults and children. These and other special events would be designed to garner support and appreciation for the Refuge, North Dakota's wetland and grassland resources, and the conservation role of the Refuge System. The Refuges limited fishery would be used for educational programs only. There would be an increased law enforcement presence, particularly during peak visitor-use days. Cultural resource surveys would be completed in high probability areas. Two full time and one career seasonal staff would be added to address visitor services, biological, law enforcement, and maintenance needs.

Under Alternative C, the Proposed Action, habitat management would address enhancing and restoring native prairie and promoting forest regeneration. Ungulate populations would be maintained at lower levels ( $\leq 20$  bison,  $\leq 18$  elk, and  $\leq 18$  white-tailed deer) to control the overgrazing and overbrowsing that has impacted Refuge habitats. Management tools, including exclusion fences and other appropriate methods such as chemical, biological, and mechanical techniques

(including prescribed fire) will be used to restore and enhance habitat for the benefit of forest interior breeding and grassland nesting birds. Selected hay land acres would be restored to native prairie. Fuels treatment (including prescribed fire or other mechanical means) would be used to reduce hazardous fuels, minimizing the threat to life and property. Invasive species would be treated and areas restored. The ungulate herd health program would take a more active disease surveillance and treatment approach, including timely introduction of ungulates to maintain genetic health, particularly for the Refuges plains bison.

There would be an increase in delivery of both on-site and off-site programming of youth environmental education programs. In cooperation with local teachers, a formal wetland and grassland conservation curriculum would be designed for targeted grade levels and meet local and State standards. Emphasis would be placed on developing education partnerships with Spirit Lake Nation schools and agencies. The Refuges limited fishery would be used for educational programs only. Visitor, facility, and wildlife safety would be improved through regular routine patrols during peak and off-peak public use. A comprehensive cultural resource survey of the Refuge would be completed in partnership with other agencies and organizations. Four full-time staff would be recruited to expand, develop, and conduct biological, visitor services, law enforcement, and maintenance programs.

All public comment information provided voluntarily by mail, by phone, or at meetings (for example, names, addresses, letters of comment, input recorded during meetings) becomes part of the official Public Record. If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information. The Environmental Review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*); NEPA Regulations (40 CFR parts 1500-1508); other appropriate Federal laws and regulations; Executive Order 12996; the National Wildlife Refuge System Improvement Act of 1997; and Service policies and procedures for compliance with those laws and regulations.

Dated: May 27, 2008.

**James J. Slack,**

*Deputy Regional Director.*

[FR Doc. E8-14483 Filed 6-25-08; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY-100-2008-1310-DJ]

#### Notice of Extension of the Call for Nominations for the Pinedale Anticline Working Group and Task Groups (PAWG)

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Extension of the Call for Nominations for the Pinedale Anticline Working Group and Task Groups (PAWG).

**SUMMARY:** The Bureau of Land Management (BLM) is extending the call for nominations for six membership positions on the PAWG. The original notice calling for nominations was published in the **Federal Register** on May 21, 2008 [73 FR 29532]. The original deadline for the call for nominations was June 20, 2008, 30 days from the publication of the original notice. The purpose of the Working Group and Task Groups will be to advise the BLM, Pinedale Field Office Manager, regarding recommendations on matters pertinent to the BLM's responsibilities related to the Pinedale Anticline Environmental Impact Statement and Record of Decision.

**DATES:** Submit a completed nomination form and nomination letters no later than July 20, 2008.

**FOR FURTHER INFORMATION CONTACT:** Lauren McKeever, PAWG Coordinator, Bureau of Land Management, Pinedale Field Office, 1625 West Pine Street, P.O. Box 768, Pinedale, Wyoming 82941, Phone: (307) 367-5352.

Dated: June 20, 2008.

**Jamie E. Connell,**

*Acting Associate State Director.*

[FR Doc. E8-14503 Filed 6-25-08; 8:45 am]

BILLING CODE 4310-22-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-220-08-1110-CB]

#### Notice of Shooting, Glass Container, and Vehicle Parking Closure; La Cienega Area of Critical Environmental Concern, Santa Fe County, NM

**AGENCY:** Bureau of Land Management (BLM), DOI.

**ACTION:** Notice of Emergency Shooting, Glass Container, and Vehicle Closure at La Cienega Area of Critical Environmental Concern (ACEC), Santa Fe County, New Mexico.

**SUMMARY:** This notice places restrictions on shooting, with the exception of valid legal hunting approved by New Mexico Game and Fish Department, the possession of glass containers on specific public lands administered by the BLM Taos Field Office in Santa Fe County, New Mexico; an area of approximately 530 acres referred to as the La Cienega ACEC. This action is necessary to halt ongoing impacts and prevent future degradation of cultural resources and protect the public safety of users on the public lands; pending revision of the Resource Management Plan (RMP) for this area administered by the BLM Taos Field Office.

**DATES:** This notice is effective July 1, 2008, and shall remain in effect until modified or the RMP is revised.

**FOR FURTHER INFORMATION CONTACT:** Sam DesGeorges, Taos Field Manager, BLM Taos Field Office, 226 Cruz Alta Road, Taos, New Mexico 87571, telephone 575-758-8851.

**SUPPLEMENTARY INFORMATION:** The Taos RMP (1988, as amended) identified La Cienega ACEC, which included La Cieneguilla Petroglyph Site. In 2004, the Galisteo Basin Archaeological Sites Protection Act became public law (Public Law 108-208—March 19, 2004) and included La Cieneguilla Petroglyph site. This Act's purpose is to "provide for the preservation, protection, and interpretation of these nationally significant archaeological resources."

La Cieneguilla Petroglyph site has received damage by deliberate shooting of petroglyphs and some inadvertent damage by the shooting of clay pigeons with shotguns on the mesa/canyon rims. Target shooting in the immediate vicinity, using rock or vegetation as the only backdrop, is causing an immediate threat to public safety. A highway, parking area for La Cieneguilla Petroglyph site, hiking paths, two-track vehicle routes, and nearby residences are subject to stray or ricocheting

bullets, some of which can carry up to two or more miles in distance. In addition, trash accumulation from items being used as targets (television sets, household items, etc.) and spent brass and shotgun shells are impacting these public lands.

Glass containers are a problem in this area, both as a littering problem and a safety problem. La Cieneguilla Petroglyph site is located along a volcanic cliff wall with large boulders at the cliff base. Glass containers inadvertently break by accidentally being dropped. The majority of glass containers are purposely thrown onto the rocks or used as targets for firearms. The broken glass adversely affects public use of this area, detracting from the petroglyphs. Additionally, the broken glass is a hazard to vehicles, domestic animals, and wildlife.

Use and visitation of La Cieneguilla Petroglyph site has significantly increased after passage of the Galisteo Basin Archaeological Sites Protection Act. Educational field trips, including public schools and museums, are common place as well as the general public interested in this nationally recognized petroglyph site.

The BLM recently constructed a parking area for access to La Cieneguilla Petroglyph Site along Santa Fe County Road 56 (Paseo Real). This closure order prohibits parking on BLM-administered lands along Via de los Romero, immediately adjacent to La Cieneguilla Petroglyph Site, to encourage visitors to use one preferred access trail from the BLM parking area.

Shooting is defined in this order as the discharging of any projectile by means including, but not limited to, firearms (including rifle, shotgun, handgun, BB-gun, pellet gun, etc.), bows, cross bows, paintball guns, or sling-shot type devices.

This closure is in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (Public Law 94-579, 90 stat. 2743, 43 U.S.C. 1701) and Title 43, Subpart 8364.1 of the U.S. Code of Federal Regulations (CFR). Maximum penalties are \$1,000.00 fine and/or 12 months in prison.

Maps depicting the area affected by this closure are available for public inspection at the BLM Taos Field Office, 226 Cruz Alta Road, Taos, New Mexico, and the New Mexico BLM State Office, 1474 Rodeo Road, Santa Fe, New Mexico.

Dated: June 18, 2008.

**Sam DesGeorges,**

*Taos Field Manager.*

[FR Doc. E8-14527 Filed 6-25-08; 8:45 am]

BILLING CODE 4310-OW-P

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1131-1134 (Final)]

### Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, China, Thailand, and the United Arab Emirates

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of the final phase of antidumping investigations.

**SUMMARY:** The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731-TA-1131-1134 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from Brazil, China, Thailand, and the United Arab Emirates of polyethylene terephthalate film, sheet, and strip, provided for in statistical reporting number 3920.62.00.90 of the Harmonized Tariff Schedule of the United States.<sup>1</sup>

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**EFFECTIVE DATE:** May 5, 2008.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Trainor (202-205-3354), Office of Investigations, U.S. International

Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that imports of polyethylene terephthalate film, sheet, and strip from Brazil, China, and the United Arab Emirates are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on September 28, 2007, by DuPont Teijin Films, Hopewell, VA; Mitsubishi Polyester Film of America, Greer, SC; SKC America, Inc., Covington, GA; and Toray Plastics (America), Inc., North Kingston, RI.

Although the Department of Commerce has preliminarily determined that imports of polyethylene terephthalate film, sheet, and strip from Thailand are not being and are not likely to be sold in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b)<sup>2</sup> so that the final phase of the investigations may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

**Participation in the investigations and public service list.**—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A

party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on September 5, 2008, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

**Hearing.**—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on September 18, 2008, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 11, 2008. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on September 15, 2008, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.**—Each party who is an interested party shall submit a prehearing brief to the Commission.

<sup>1</sup> For purposes of these investigations, the Department of Commerce has defined the subject merchandise as:

"All gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of its surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is Roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and purposes of Customs and Border Protection (CBP), our written description of the scope of these investigations is dispositive."

<sup>2</sup> Section 207.21(b) of the Commission's rules provides that, where the Department of Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is September 12, 2008. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 25, 2008; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before September 25, 2008. On October 14, 2008, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 16, 2008, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 Fed. Reg. 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 Fed. Reg. 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will

not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: June 10, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-14441 Filed 6-25-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-643]

### In the Matter of Certain Cigarettes and Packaging Thereof; Notice of Commission Decision Not To Review an Initial Determination Correcting the Names of Certain Respondents

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 4) issued by the presiding administrative law judge ("ALJ") in the above-referenced investigation correcting the names of certain respondents in the notice of investigation.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-1999. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on April 4, 2008, based on a complaint filed by Philip Morris USA Inc. ("Philip

Morris"). 73 FR 18561 (April 4, 2008). The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cigarettes and packaging thereof by reason of infringement of various United States trademark registrations. The complaint names thirteen respondents.

On May 29, 2008, a preliminary conference was conducted with counsel for complainant Philip Morris, counsel for respondent Alcesia SRL ("Alcesia"), and the Commission Investigative Attorney ("IA"). Respondent Alcesia had previously been identified in the notice of investigation as "Eugenia Moscovchuk d.b.a. Cigoutlet.biz." During the preliminary conference, respondent Alcesia requested that its name be corrected to "Alcesia SRL." No party at the preliminary conference had any opposition to the issuance of an ID correcting the name of respondent Alcesia.

At the preliminary conference, reference was also made to the respondent Best Product Solution Ltd. ("Best Product"), which had previously been identified in the notice of investigation as "Best Product Solution Limited d.b.a. Dirtcheapbutts.com." In respondent Best Product's response to the complaint, it indicated that it has never, and does not now, do business under the name used in the notice of investigation. Neither complainant Philip Morris nor the IA had any objection to issuing an ID to correct the name of respondent Best Product to "Best Product Solution Ltd."

On June 3, 2008, the ALJ issued the subject ID correcting the names of respondent Alcesia and respondent Best Product. No petitions for review were filed.

The Commission has determined not to review the ALJ's ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: June 20, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-14434 Filed 6-25-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-545; Consolidated Enforcement and Advisory Opinion Proceedings]

### In the Matter of Certain Laminated Floor Panels; Notice of Institution of Consolidated Formal Enforcement and Advisory Opinion Proceedings

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has instituted consolidated enforcement and advisory opinion proceedings relating to the general exclusion order issued at the conclusion of the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:**

James Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov/>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted the above-identified investigation on August 3, 2005, based on a complaint filed by Unilin Beheer B.V. of the Netherlands, Flooring Industries Ltd. of Ireland, and Unilin Flooring N.C. L.L.C. of North Carolina. 70 FR 44694 (August 3, 2005). The complaint, as amended, alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laminated floor panels by reason of infringement of one or more of claims 1, 14, 17, 19-21, 37, 52, 65, and 66 of U.S. Patent No. 6,006,486 ("the '486 patent"); claims 1, 2, 10, 13, 18, 19, 22-24, and 27 of U.S. Patent No. 6,490,836 ("the '836 patent"); claims 1-6 of U.S. Patent No. 6,874,292 ("the '292 patent");

and claims 1, 5, 13, 17, 27 and 28 of U.S. Patent No. 6,928,779 ("the '779 patent"). The investigation was subsequently terminated with respect to the '486 patent.

On July 3, 2006, the ALJ issued his final initial determination ("ID"), finding infringement of claims 10, 18, and 23 of the '836 patent with respect to certain accused products. However, he found no infringement of claims 1 and 2 of the '836 patent or claims 3 and 4 of the '292 patent, except that he did find infringement of claim 1 of the '836 patent by several respondents who had previously been found in default. The ALJ further held claims 5 and 17 of the '779 patent invalid for lack of written description. However, the ALJ stated that if valid, those claims were infringed by some of respondents' products. The ALJ recommended a general exclusion order directed to infringing products and cease and desist orders against defaulting domestic respondents.

The Commission received petitions for review from multiple parties. It determined to review several conclusions in the ID, and after further briefing reversed the ALJ on certain of the issues on review. The Commission found that certain accused products did in fact infringe claims 1 and 2 of the '836 patent and claims 3 and 4 of the '292 patent, as construed. The Commission also held on review that there was no new matter in the '779 patent and thus claims 5 and 17 of the '779 patent met the written description requirement. On January 5, 2007, the Commission determined that there was a violation of section 337 and issued a general exclusion order under 19 U.S.C. 1337(d)(2) with regard to products covered by claims 1, 2, 10, 18, or 23 of the '836 patent; claims 3 or 4 of the '292 patent; or claims 5 or 17 of the '779 patent. The Commission also issued cease and desist orders to certain domestic respondents. The United States Trade Representative did not disapprove the Commission's determination.

Respondents Power Dekor Group Co., Ltd. ("Power Dekor"), Yingbin-Nature (Guandong) Wood Indus. Co., Ltd., and Jiangsu Lodgi Wood Indus. Co., Ltd. appealed the Commission's final determination to the U.S. Court of Appeals for the Federal Circuit. Power Dekor has since withdrawn from this appeal. The appeal with respect to infringement is limited to claims 1 and 2 of the '836 patent and claims 3 and 4 of the '292 patent. The appellants also challenge the Commission's determination that claims 5 and 17 of the '779 patent satisfy the written description requirement. The Court has

held oral argument but has not issued a decision.

Unilin Beheer B.V. of the Netherlands, Flooring Industries Ltd. sarl of Luxembourg, and Unilin Flooring N.C. LLC of North Carolina (collectively, "Unilin") filed a complaint on March 24, 2008, and filed a corrected complaint on April 30, 2008, requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate violations of the general exclusion order. The complaint named as respondent Uniboard Canada, Inc. (Quebec, Canada) ("Uniboard"). On April 15, 2008, Uniboard filed a request for an initial advisory opinion that its products would not violate the general exclusion order. Uniboard requested that the advisory opinion proceeding be consolidated with any enforcement proceeding concerning Uniboard.

Having examined Unilin's complaint seeking a formal enforcement proceeding and having found that the complaint complies with the requirements for institution of formal enforcement proceedings in Commission rule 210.75, the Commission has determined to institute a formal enforcement proceeding to determine whether Uniboard is in violation of the Commission's general exclusion order in the above-captioned investigation, and what, if any, enforcement measures are appropriate.

The following entities were named as parties to the formal enforcement proceeding: (1) Complainants Unilin Beheer B.V., Flooring Industries Ltd. sarl, Unilin Flooring N.C. LLC, (2) respondent Uniboard Canada Inc., and (3) a Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

Having examined Uniboard's request for an advisory opinion and having found that the request complies with the requirements for institution of an advisory opinion proceeding in Commission rule 210.79, the Commission has determined to institute an advisory opinion proceeding to determine whether the floor panels sought to be imported by Uniboard are covered by the general exclusion order issued in the above-captioned investigation. The following were named as parties to the advisory opinion proceeding: Unilin Beheer B.V., Flooring Industries Ltd. sarl, Unilin Flooring N.C. LLC, Uniboard Canada Inc., and a Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

The Commission has determined to consolidate the formal enforcement and

advisory opinion proceedings and has certified the consolidated proceedings to administrative law judge Paul J. Luckern. The administrative law judge may conduct such proceedings as appropriate for the issuance of an enforcement initial determination and an initial advisory opinion.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.75 and 210.79 of the Commission's Rules of Practice and Procedure (19 CFR 210.75, 210.79).

By order of the Commission.

Issued: June 20, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-14462 Filed 6-25-08; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-638]

### In the Matter of Certain Intermediate Bulk Containers; Notice of Decision Not To Review an Initial Determination Finding the Sole Remaining Respondent in Default; Request for Written Submissions on Remedy, the Public Interest, and Bonding

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 6) issued by the presiding administrative law judge ("ALJ") finding the last remaining respondent in this investigation in default. Accordingly, the Commission requests written submissions, under the schedule set forth below, on remedy, public interest, and bonding.

**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3116. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>.

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on March 10, 2008, based on a complaint filed by Schütz Container Systems Inc. of North Branch, New Jersey and Protechna, S.A. of Switzerland (collectively, "Schütz"), alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain intermediate bulk containers by reason of infringement of certain claims of United States Patent Nos. 4,909,387; 5,253,777; and 5,673,630. 73 FR 13919 (March 14, 2008). The complaint named Shanghai Kingtainer Packaging Container Co., Ltd. of China ("Kingtainer") and Novus International, Inc. of St. Louis, Missouri ("Novus") as respondents.

On April 2, 2008, Schütz and Novus jointly moved to terminate the investigation with respect to Novus based on a settlement agreement between them, which motion was allowed in an unreviewed ID.

On April 18, 2008, Schütz moved, pursuant to Commission Rule 210.16(b), for an order to show cause why Kingtainer should not be found in default and, upon failure to show cause, for the issuance of an ID finding Kingtainer in default. On May 2, 2008, the ALJ ordered Kingtainer to show cause, no later than the close of business on May 16, 2008, why it should not be found in default for failure to respond to the Complaint and Notice of Investigation (Order No. 4). No response to Order No. 4 was filed.

On May 22, 2008, the ALJ issued the subject ID (Order No. 6) finding Kingtainer in default under Commission Rule 210.16(c). No petitions for review of this ID were filed. The Commission has determined not to review the ALJ's ID.

Kingtainer is the last remaining respondent in this investigation, the investigation having been terminated with respect to the only other respondent based on a settlement agreement.

Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against a respondent found in default unless, after consideration of the public-interest

factors, it finds that such relief should not issue. Schütz did not file a declaration stating that it was seeking a general exclusion order as provided in Commission Rule 210.16(c).

In conjunction with the final disposition of this investigation, therefore, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by the defaulting respondent; and/or (2) issue a cease and desist order that could result in the defaulting respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. 2843 (Dec. 1994) (Comm'n Op.).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* The parties to the investigation, interested government

agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the asserted patents expire and the HTSUS numbers under which the accused products are imported. Main written submissions and proposed remedial orders must be filed no later than the close of business on July 11, 2008. Reply submissions must be filed no later than the close of business on July 18, 2008. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof with the Office of the Secretary on or before the aforementioned deadlines. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.16 and 210.42-46 of the Commission's Rules of Practice and Procedure (19 CFR 210.16, 210.42-46).

By order of the Commission.

Issued: June 20, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-14439 Filed 6-25-08; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on June 18, 2008, a proposed Consent Decree ("Consent Decree") in the matter of *United States v. City of Shelton*, Civil Action No. 3:08-cv-00919-SRU, was lodged with the United

States District Court for the District of Connecticut.

In the complaint in this matter, the United States sought injunctive relief and civil penalties against the City of Shelton ("the City") for claims arising under the Clean Water Act, in connection with the operation of the City's wastewater collection system as well as the City's wastewater treatment plant located on the Housatonic River. Under the Consent Decree, the City will perform necessary upgrades to comply with the Clean Water Act, and pay a civil penalty of \$142,000, which will be divided equally between the United States and the State of Connecticut.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. City of Shelton*, D.J. Ref. No. 90-5-1-1-08406.

The Consent Decree may be examined at the Office of the United States Attorney, 450 Main Street, Hartford, Connecticut, 06103, and at U.S. EPA Region I, Robert F. Kennedy Federal Building, Boston, Massachusetts 02203-2211. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (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 \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Ronald G. Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E8-14467 Filed 6-25-08; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Agency Information Collection Activities: Extension of a Currently Approved Information Collection With Non-Substantive Changes; Comment Request

**ACTION:** 60-day notice of information collection under review: Labor Condition Application For H-1b, H-1b1, and E-3 Nonimmigrants; Forms ETA-9035, ETA-9035CP, ETA-9035E, and WH-4, OMB Control No. 1205-0310.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, is conducting a pre-clearance consultation to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This consultation is undertaken to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning Forms ETA-9035, ETA-9035CP, ETA-9035E, and WH-4; Labor Condition Application For H-1b, H-1b1, and E-3 Nonimmigrants. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or at this WEB site: <http://www.doleta.gov/OMBCN/OMBControlNumber.cfm>

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before August 25, 2008.

**ADDRESSES:** William L. Carlson, Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C4312, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693-3010 (this is not a toll-free number), fax (202) 693-2768, or e-mail at [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: LCA.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The information collection is required by sections 212(n) and (t) and 214(c) of the Immigration and Nationality Act

(INA) (8 U.S.C. 1182(n) and (t) and 1184(c)). The Department of Labor (Department) and the Department of Homeland Security (DHS) have promulgated regulations to implement the INA. Specifically for this collection, Title 20 CFR 655 Subparts H and I and Title 8 CFR 214.2(h)(4) are applicable. The INA mandates that no alien may enter the United States for the purpose of performing professional work on a temporary basis unless the U.S. employer has attested to the Secretary of Labor that the working conditions for the alien will be identical to those of other U.S. workers, that the salary will equal either the prevailing wage in the area of employment or match that being paid others in the employer's business—whichever is higher; that there is no strike or lockout at the employer's facility; and that the employer has met all other requirements of the program as specified in the regulations.

## II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

## III. Current Actions

In order to meet its statutory responsibilities under the INA, the Department needs to extend an existing collection of information pertaining to employers seeking to apply for labor condition applications to allow them to bring foreign labor to the United States on a temporary basis. Extensive program experience has demonstrated the need for further clarification on this information collection.

In the past the respondents have been for-profit businesses and not-for-profit institutions. On rare occasions the

respondents have been local, state, tribal governments, or the federal government.

The Secretary of Labor uses the collected information to determine if employers are meeting their statutory and regulatory obligations.

The modifications being proposed to ETA Form 9035, 9035CP, and 9035E are primarily due to the elimination of the "Fax Back" system and converting exclusively to the electronic submission system except in rare cases of physical disability that prevents use of a computer. All three forms needed to be updated to eliminate all reference to the "Fax Back" system and provide more clarity to the user of the form, thereby obtaining more accurate information for the Department to assist in more efficient and effective adjudication of the requested benefit. The information collected remains the same.

*Type of Review:* Extension of Currently Approved Information Collection.

*Agency:* Employment and Training Administration.

*Title:* Labor Condition Application For H-1b, H-1b1, and E-3 Nonimmigrants.

*OMB Control No.:* 1205-0310.

*Agency Number(s):* Forms ETA-9035, ETA-9035CP, ETA-9035E, and WH-4.

*Recordkeeping:* On occasion.

*Affected Public:* Businesses or other for-profits and not-for profits, and Federal, State, Local or Tribal Governments.

*Total Respondents:* 420,000.

*Estimated Total Burden Hours:* 366,479.

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintaining):* 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 19, 2008.

**William L. Carlson,**

*Administrator, Office of Foreign Labor Certification.*

[FR Doc. E8-14464 Filed 6-25-08; 8:45 am]

**BILLING CODE 4510-FP-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

**ACTION:** 60-day notice of information collection under review: Labor Certification for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Administrative Measures to Improve Program Performance, OMB Control No. 1205-0404.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, is conducting a pre-clearance consultation to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This consultation is undertaken to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the measures to improve program performance in the labor certification program for temporary employment of nonimmigrant aliens in agriculture in the United States. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or at this Web site: <http://www.doleta.gov/OMBCN/OMBControlNumber.cfm>.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before August 25, 2008.

**ADDRESSES:** William L. Carlson, Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C4312, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693-3010 (This is not a toll-free number.), fax (202) 693-2768, or e-mail at [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: 1205-0404.

#### SUPPLEMENTARY INFORMATION:

*I. Background:* The information collection is required by 20 CFR 655.103(e) and 655.106(e)(1)(ii). The Department of Labor mandates that

employers who have received certification for temporary foreign agricultural labor inform their local State Workforce Agency in writing if the foreign (H-2A) workers do not depart for the place of employment three days prior to the date of need as specified in their certified applications for such foreign labor. The departure date is used to start the running of the contract period for administration of the Fifty-percent Rule. Section 103(e) provides that the employer must continue to provide employment to any qualified and eligible U.S. worker who applies to the employer until 50 percent of the work contract period, under which the foreign worker is in the job, has elapsed. The employer's obligation to engage in positive recruitment ends on the date the foreign workers depart for the employer's place of business. The notification required under the regulations is written by the employer and sent to the SWA. The SWA uses the information to calculate the end of active recruitment requirements and Fifty-percent Rule referral requirements.

*II. Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*III. Current Actions:* The information collected remains the same.

*Type of Review:* Extension of Currently Approved Information Collection.

*Agency:* Employment and Training Administration.

*Title:* Labor Certification for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Administrative Measures to Improve Program Performance.

*OMB Control No.:* 1205-00404.

*Agency Number(s):* None.

*Recordkeeping:* On occasion.

*Affected Public:* Businesses or other for-profits, not-for-profit institutions, and farms.

*Total Respondents:* 385.

*Estimated Total Burden Hours:* 96.

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintaining):* 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 20, 2008.

**William L. Carlson,**

*Administrator, Office of Foreign Labor Certification.*

[FR Doc. E8-14465 Filed 6-25-08; 8:45 am]

**BILLING CODE 4510-FP-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

June 20, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number) / e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free numbers), e-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment and Training Administration.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Employment and Training Administration Disaster Unemployment Assistance (DUA) Handbook.

*OMB Control Number:* 1205-0051.

*Form Number:* ETA-902.

*Affected Public:* State Governments.

*Estimated Number of Respondents:* 30.

*Estimated Total Annual Burden Hours:* 2,413.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* Unemployment compensation claims, financial management and data on disaster unemployment assistance (DUA) activity are needed for timely program evaluation necessary for competent administration of Sections 410 and 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 100-707). The Form ETA 902 is a monthly report submitted by the states on DUA program activities once a disaster is declared by the President. Such report is prescribed by the Secretary under 20 CFR 625.8 and 625.9 and is necessary for oversight of the DUA program. For additional information, see related notice published at 73 FR 8905 on February 15, 2008.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. E8-14524 Filed 6-25-08; 8:45 am]

**BILLING CODE 4510-FW-P**

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection

#### Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request; Correction

**AGENCY:** U. S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment; correction.

**SUMMARY:** This document corrects a notice appearing in the **Federal Register** on June 18, 2008 (73 FR 34797) that incorrectly stated the number of annual responses for the information collection titled, "10 CFR Part 54, Requirements for Renewal of Operating Licenses for Nuclear Power Plants." This action is necessary to correct erroneous information about public burden for this information collection.

**SUPPLEMENTARY INFORMATION:** On page 34797, in the third column, number 7, the estimate of the annual number of responses is changed from "10 (six Part 54 respondents plus four commitment completion letter respondents)" to "50 (6 Part 54 license renewal applications plus 4 commitment completion letters plus 40 recordkeepers)."

Dated at Rockville, Maryland, this 19th day of June, 2008.

For the Nuclear Regulatory Commission.

**Gregory Trussell,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. E8-14487 Filed 6-25-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-150]

### Ohio State University Research Reactor; Notice of Issuance of Renewed Facility License No. R-75

The U.S. Nuclear Regulatory Commission (NRC) has issued renewed Facility License No. R-75, held by Ohio State University (the licensee), which authorizes continued operation of the Ohio State University Research Reactor (OSURR), located in Columbus, Franklin County, Ohio. The OSURR is a pool-type, light-water-moderated-and-cooled research reactor licensed to operate at a steady-state power level of 500 kilowatts thermal power. Renewed Facility License No. R-75 will expire at midnight 20 years from its date of issuance.

The renewed license complies with the standards and requirements of the

Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in Title 10, Chapter 1, "Nuclear Regulatory Commission," of the Code of Federal Regulations (10 CFR), and sets forth those findings in the renewed license. The agency afforded an opportunity for hearing in the Notice of Opportunity for Hearing published in the **Federal Register** on August 2, 2006, at 71 FR 43818, and September 1, 2006, at 71 FR 52173. The NRC received no request for a hearing or petition for leave to intervene following those notices.

The NRC staff prepared a safety evaluation report for the renewal of Facility License No. R-75 and concluded, based on that evaluation, that the licensee can continue to operate the facility without endangering the health and safety of the public. The NRC staff also prepared an environmental assessment for license renewal, noticed in the **Federal Register** on April 14, 2008, at 73 FR 20072, and concluded, based on that assessment, that renewal of the license will not have a significant impact on the quality of the human environment.

For details with respect to the application for renewal, see the licensee's letter dated December 15, 1999 (ADAMS Accession No. ML993610185), as supplemented by letters dated August 21, 2002 (ADAMS Accession No. ML022380431); August 18, 2005 (ADAMS Accession No. ML052350564); July 26, 2006 (ADAMS Accession No. ML062090072); May 22, 2007 (ADAMS Accession No. ML071430417); May 31, 2007 (ADAMS Accession No. ML071550098); September 4, 2007 (ADAMS Accession No. ML072490367); September 28, 2007 (ADAMS Accession No. ML072750038); and February 29, 2008 (ADAMS Accession No. ML080650352). For details with respect to the issuance of the renewed facility license, see renewed Facility License No. R-75 (ADAMS Accession No. ML081000618), the related safety evaluation report (ADAMS Accession No. ML081000618), and the related environmental assessment dated April 7, 2008 (ADAMS Accession No. ML070230004). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public

Electronic Reading Room on 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 at 1-800-397-4209 or 301-415-4737, or send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 18th day of June, 2008.

For the Nuclear Regulatory Commission.

**Daniel S. Collins,**

*Chief, Research and Test Reactors Branch A, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. E8-14486 Filed 6-25-08; 8:45 am]

**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon written request, copies available from: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213

#### Extension:

Rule 15g-2, SEC File No. 270-381, OMB Control No. 3235-0434.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The "Penny Stock Disclosure Rules" (Rule 15g-2, 17 CFR 240.15g-2) require broker-dealers to provide their customers with a risk disclosure document, as set forth in Schedule 15G, prior to their first non-exempt transaction in a "penny stock." As amended, the rule requires broker-dealers to obtain written acknowledgement from the customer that he or she has received the required risk disclosure document. The amended rule also requires broker-dealers to maintain a copy of the customer's written acknowledgement for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place.

The risk disclosure documents are for the benefit of the customers, to assure that they are aware of the risks of trading in "penny stocks" before they enter into a transaction. The risk disclosure documents are maintained by

the broker-dealers and may be reviewed during the course of an examination by the Commission.

The Commission estimates that there are approximately 240 broker-dealers that could potentially be subject to current Rule 15g-2, and that each one of these firms processes an average of three new customers for penny stocks per week. Thus, each respondent processes approximately 156 penny stock disclosure documents per year. If communications in tangible form alone are used to satisfy the requirements of Rule 15g-2, then (a) the copying and mailing of the penny stock disclosure document takes no more than two minutes per customer, and (b) each customer takes no more than eight minutes to review, sign and return the penny stock disclosure document. Thus, the total existing respondent burden is approximately 10 minutes per response, or an aggregate total of 1,560 minutes per respondent. Since there are 240 respondents, the current annual burden is 374,400 minutes (1,560 minutes per each of the 240 respondents) or 6,240 hours. In addition, broker-dealers incur a recordkeeping burden of approximately two minutes per response. Since there are approximately 156 responses for each respondent, the respondents incur an aggregate recordkeeping burden of 74,880 minutes (240 respondents  $\times$  156 responses for each  $\times$  2 minutes per response) or 1,248 hours, under Rule 15g-2. Accordingly, the current aggregate annual hour burden associated with Rule 15g-2 (that is, assuming that all respondents provide tangible copies of the required documents) is approximately 7,488 hours (6,240 response hours + 1,248 recordkeeping hours).

The burden hours associated with Rule 15g-2 may be slightly reduced when the penny stock disclosure document required under the rule is provided through electronic means such as e-mail from the broker-dealer (e.g., the broker-dealer respondent may take only one minute, instead of the two minutes estimated above, to provide the penny stock disclosure document by e-mail to its customer) and return e-mail from the customer (the customer may take only seven minutes, to review, electronically sign and electronically return the penny stock disclosure document). In this regard, if each of the customer respondents estimated above communicates with his or her broker-dealer electronically, the total ongoing respondent burden is approximately 8 minutes per response, or an aggregate total of 1,248 minutes (156 customers  $\times$  8 minutes per respondent). Assuming 240 respondents, the annual burden, if

electronic communications were used by all customers, is 299,520 minutes (1,248 minutes per each of the 240 respondents) or 4,992 hours. Under Rule 15g-2, the recordkeeping burden is 1,248 hours. Thus, if all broker-dealer respondents obtain and send the documents required under the rules electronically, the aggregate annual hour burden associated with Rule 15g-2 is 6,240 (1,248 hours + 4,992 hours).

In addition, if the penny stock customer requests a paper copy of the information on the Commission's Web site regarding microcap securities, including penny stocks, from his or her broker-dealer, the printing and mailing of the document containing this information takes no more than two minutes per customer. Because many investors have access to the Commission's Web site via computers located in their homes, or in easily accessible public places such as libraries, then, at most, a quarter of customers who are required to receive the Rule 15g-2 disclosure document request that their broker-dealer provide them with the additional microcap and penny stock information posted on the Commission's Web site. Thus, each broker-dealer respondent processes approximately 39 requests for paper copies of this information per year or an aggregate total of 78 minutes per respondent (2 minutes per customer  $\times$  39 requests per respondent). Since there are 240 respondents, the estimated annual burden is 18,720 minutes (78 minutes per each of the 240 respondents) or 312 hours.

We have no way of knowing how many broker-dealers and customers will choose to communicate electronically. Assuming that 50 percent of respondents continue to provide documents and obtain signatures in tangible form and 50 percent choose to communicate electronically to satisfy the requirements of Rule 15g-2, the total aggregate burden hours is 7,176 ((aggregate burden hours for documents and signatures in tangible form  $\times$  0.50 of the respondents = 3,744 hours) + (aggregate burden hours for electronically signed and transmitted documents  $\times$  0.50 of the respondents = 3,120 hours) + (312 burden hours for those customers making requests for a copy of the information on the Commission's Web site)).

The Commission does not maintain the risk disclosure document. Instead, it must be retained by the broker-dealer for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. The collection of information required by

the rule is mandatory. The risk disclosure document is otherwise governed by the internal policies of the broker-dealer regarding confidentiality, etc.

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 control number.

Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: [Alexander.T.Hunt@omb.eop.gov](mailto:Alexander.T.Hunt@omb.eop.gov); and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted within 30 days of this notice.

Dated: June 16, 2008.

**Florence E. Harmon,**  
*Acting Secretary.*

[FR Doc. E8-14404 Filed 6-25-08; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 58000]

### Securities Exchange Act of 1934; Order Granting Registration of Realpoint LLC as a Nationally Recognized Statistical Rating Organization

June 23, 2008.

Realpoint LLC ("Realpoint"), a credit rating agency, furnished to the Securities and Exchange Commission ("Commission") an application for registration as a nationally recognized statistical rating organization ("NRSRO") under Section 15E of the Securities Exchange Act of 1934 ("Exchange Act") for the class of credit ratings described in clause (iv) of Section 3(a)(62)(B) of the Exchange Act.

Based on the information provided in the application, Realpoint has a conflict of interest that would cause the firm to be in violation of Exchange Act Rule 17g-5(c)(1) (17 CFR 240.17g-5(c)(1)) if it became registered. Realpoint requested that the Commission grant Realpoint an exemption from the conflict of interest prohibition in Exchange Act Rule 17g-5(c)(1). Simultaneously with this Order, the Commission is issuing an

Order (“Exemptive Order”) granting Realpoint an exemption from Exchange Act Rule 17g-5(c)(1) until January 1, 2009.<sup>1</sup>

The Commission finds that the application furnished by Realpoint is in the form required by Exchange Act Section 15E, Exchange Act Rule 17g-1 (17 CFR 240.17g-1), and Form NRSRO (17 CFR 249b.300) and contains the information described in subparagraph (B) of Section 15E(a)(1) of the Exchange Act.

Based on the application and Exemptive Order, the Commission finds that the requirements of Section 15E of the Exchange Act are satisfied.

Accordingly,

*It is ordered*, under paragraph (a)(2)(A) of Section 15E of the Exchange Act, that the registration of Realpoint LLC with the Commission as an NRSRO under Section 15E of the Exchange Act for the class of credit ratings described in clause (iv) of Section 3(a)(62)(B) of the Exchange Act is granted.

By the Commission.

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-14529 Filed 6-25-08; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58001]

### Order Granting Temporary Exemption of Realpoint LLC From the Conflict of Interest Prohibition in Rule 17a-5(c)(1) Under the Securities Exchange Act of 1934

June 23, 2008.

#### I. Introduction

The Credit Rating Agency Reform Act of 2006 (“Rating Agency Act”),<sup>1</sup> enacted on September 29, 2006, defined the term “nationally recognized statistical rating organization” (“NRSRO”), added Section 15E to the Securities Exchange Act of 1934 (“Exchange Act”), and provided authority for the Securities and Exchange Commission (“Commission”) to implement registration, recordkeeping, financial reporting, and oversight rules with respect to registered credit rating agencies. Exchange Act Rule 17g-1 (17 CFR 240.17g-1), and Form NRSRO (17 CFR 249b.300), prescribe the process for a credit rating agency to apply for registration. Rule 17g-1 and Form NRSRO were effective on June 18, 2007,

and the other rules, Rules 17g-2 through 17g-6 (17 CFR 240.17g-2 through 17g-6), became effective on June 26, 2007.<sup>2</sup>

In particular, Rule 17g-5(c)(1) prohibits an NRSRO from issuing or maintaining a credit rating solicited by a person that, in the most recently ended fiscal year, provided the NRSRO with net revenue equaling or exceeding 10% of the total net revenue of the NRSRO for the fiscal year. In adopting this rule, the Commission stated that such a person would be in a position to exercise substantial influence on the NRSRO, which in turn would make it difficult for the NRSRO to remain impartial.<sup>3</sup>

#### II. Application and Exemption Request of Realpoint LLC

Realpoint LLC (“Realpoint”), a credit rating agency, furnished to the Commission an application for registration as an NRSRO under Section 15E of the Exchange Act for the class of credit ratings described in clause (iv) of Section 3(a)(62)(B) of the Exchange Act.<sup>4</sup> Based on the information provided in the application, Realpoint has a conflict of interest that would cause the firm to be in violation of Rule 17g-5(c)(1) if Realpoint became registered. Specifically, for the fiscal year ending December 31, 2007, Realpoint maintained credit ratings solicited by a person that provided Realpoint with 10% or more of its total net revenue for that year.

Realpoint has requested<sup>5</sup> that the Commission exempt it from Rule 17g-5(c)(1) for the fiscal year ending December 31, 2007 on the grounds that the prohibition hinders its ability as a small entity to further develop its business issuing credit ratings on asset-backed securities. Realpoint also stated that it expects the percentage of net revenue attributable to the relevant client to decrease to approximately 7.5% of its fiscal year 2008 net revenue.

#### III. Discussion

The Commission, when adopting Rule 17g-5(c)(1), noted that it intended to monitor how the prohibition operates in practice, particularly with respect to asset-backed securities, and whether

<sup>2</sup> Release No. 34-55857 (June 5, 2007), 72 FR 33564, 33564-65 (June 18, 2007).

<sup>3</sup> *Id.* at 33598.

<sup>4</sup> This class of credit ratings is for “issuers of asset-backed securities (as that term is defined in section 1101(c) of part 229 of title 17, Code of Federal Regulations \* \* \*”) (“asset-backed securities”). Section 3(a)(62)(B)(iv) of the Exchange Act.

<sup>5</sup> Letter dated April 28, 2008 to the Commission from Robert Dobilas, CEO and President of Realpoint.

exemptions may be appropriate.<sup>6</sup> The Commission notes that the revenue in question was earned by Realpoint before it submitted its application for registration and in the year before Rule 17g-5 was adopted, which limited the time for Realpoint to adjust its activities to conform to the requirements of the rule. In addition, the Commission recognizes that, given Realpoint’s size, it is more likely that the firm would be affected by Rule 17g-5(c)(1) than a larger credit rating agency with a more diversified client base. Further, the Commission notes that Realpoint has stated that it expects that the percentage of total net revenue provided by the client will be below 10% for fiscal year 2008. Finally, the Commission notes that the threshold in Rule 17g-5(c)(1) is, of necessity, a bright line, but activities that exceed that threshold may or may not necessarily raise the concerns that are the basis for the rule. Hence, the Commission believes that it is important for the Commission to consider for each application the specific facts and circumstances of the applicant and whether to grant an exemption from Rule 17g-5(c)(1). Moreover, in this instance, the Commission recognizes that granting this exemption furthers the primary purpose of the Rating Agency Act, which is to enhance competition in the highly concentrated ratings industry. Granting Realpoint’s registration will increase the number of NRSROs registered in the asset-backed security class, which could increase competition.

For these reasons, the Commission finds that granting Realpoint an exemption from Rule 17g-5(c)(1) for calendar year 2008 is necessary and appropriate in the public interest and is consistent with the protection of investors.<sup>7</sup> The exemption will expire on January 1, 2009 (Realpoint’s fiscal year ends on December 31, 2008). The Commission believes that providing Realpoint with the opportunity to be registered as an NRSRO during this time frame is an appropriate approach to addressing the unique circumstances of a small credit rating agency, while balancing this against the goal of Rule 17g-5(c)(1)—to prohibit a conflict that has the potential to influence a credit rating agency’s impartiality. Consequently, this exemption is

<sup>6</sup> Release No. 34-55857 (June 5, 2007), 72 FR 33564, 33598 (June 18, 2007).

<sup>7</sup> Section 36 of the Exchange Act authorizes the Commission, by rule, regulation, or order, to conditionally or unconditionally exempt any person from any rule under the Exchange Act, to the extent that the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors. 15 U.S.C. 78mm.

<sup>1</sup> Release No. 34-58001 (June 23, 2008).

<sup>1</sup> Pub. L. No. 109-291 (2006).

conditioned on Realpoint disclosing in Exhibit 6 to Form NRSRO that the firm received more than 10% of its net revenue in fiscal year 2007 from a client that paid it for a credit rating. This disclosure is designed to alert users of credit ratings to the existence of this specific conflict.

Simultaneously with this Order, the Commission is issuing an Order granting the registration of Realpoint with the Commission as an NRSRO under Section 15E of the Exchange Act.<sup>8</sup>

#### IV. Conclusion

Accordingly, pursuant to Section 36 of the Exchange Act,

*it is hereby ordered* that Realpoint LLC is exempt from the conflict of interest prohibition in Exchange Act Rule 17g-5(c)(1) until January 1, 2009, provided that Realpoint LLC discloses in Exhibit 6 to Form NRSRO that the firm received more than 10% of its net revenue in fiscal year 2007 from a client that paid it for a credit rating.

By the Commission.

**Florence E. Harmon,**

*Acting Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57986; File No. SR-FINRA-2008-016]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change To Align the Reporting Requirements and Dissemination Protocols for OTC Equity Transactions Involving Foreign Securities With All Other OTC Equity Securities

June 18, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 25, 2008, the Financial Industry Regulatory Authority, Inc. ("FINRA") (f/k/a National Association of Securities Dealers, Inc. ("NASD")) filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by FINRA. On June 12, 2008, FINRA submitted 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

FINRA is proposing to: (1) Amend NASD Rule 6620 to align the reporting requirements for over-the-counter ("OTC") equity transactions involving foreign securities with the reporting requirements for other OTC equity transactions; and (2) align the dissemination protocols for all last sale reports of OTC equity transactions. The text of the proposed rule change is available on FINRA's Web site at <http://www.finra.org>, at FINRA'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, FINRA included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

NASD Rule 6620(a) generally requires that transactions in OTC Equity Securities that are executed between 8 a.m. and 8 p.m. Eastern Time be reported to the OTC Reporting Facility within 90 seconds of execution.<sup>3</sup> This 90-second reporting requirement currently applies to transactions in OTC Equity Securities that are domestic equity securities, ADRs, and Canadian issues.<sup>4</sup> Thus, all ADRs and Canadian

<sup>3</sup> For purposes of the NASD Rule 6600 Series, "OTC Equity Securities" means equity securities for which real-time trade reporting is not otherwise required. See NASD Rule 6600. NASD Rule 6610(d) further defines "OTC Equity Security" as "any non-exchange-listed security and certain exchange-listed securities that do not otherwise qualify for real-time trade reporting."

<sup>4</sup> An ADR is a negotiable instrument that represents an ownership interest in a specified number or fraction of securities that have been deposited with a depository. The deposited securities are typically equity securities of a foreign issuer, and the depository is usually a U.S. bank or trust company. See Securities Exchange Act Release No. 48482 (September 11, 2003), 68 FR 54644 (September 17, 2003) (File No. S7-16-03).

issues, including those that are not registered with the Commission and otherwise subject to financial reporting, are subject to 90-second reporting under NASD Rule 6620. All other foreign equity securities are excluded from the 90-second reporting requirement and instead must be reported by 1:30 p.m. Eastern Time the day after the transaction is executed.<sup>5</sup> Although not required, a member may choose to report transactions in foreign securities within 90 seconds of execution.<sup>6</sup>

In addition to the disparity in the trade reporting requirements under NASD Rule 6620, there is also a disparity in the way last sale information of OTC equity transactions is disseminated to the marketplace. Although last sale information for transactions in domestic OTC Equity Securities reported pursuant to Rule 6620 is disseminated on a real-time basis, irrespective of whether the security is registered with the Commission, there is no uniformity regarding the dissemination of last sale information for transactions in ADRs and foreign securities. Last sale reports of ADRs and Canadian issues that are quoted on the OTC Bulletin Board ("OTCBB"), which requires registration with the Commission, are disseminated on a real-time basis. However, only summary information is disseminated at the end of each trading day for OTC ADRs and Canadian issues that are not quoted on the OTCBB, whether or not they are registered with the Commission. Transactions in foreign securities, other than Canadian issues and ADRs, that are quoted on the OTCBB are disseminated on a real-time basis if they are received on the day of the trade. However, as noted above, there is no current requirement to report these trades to FINRA within 90 seconds of execution, or even on the trade date. If an OTC transaction in a foreign security is not reported on the trade date, last sale information for that transaction is not disseminated.

The bifurcation with respect to dissemination of OTC ADRs and foreign securities arose in the broader context of the establishment and evolution of the OTCBB. When real-time reporting for OTC Equity Securities, including ADRs and Canadian securities, was proposed in 1992, FINRA agreed not to publish quotations and trade reports of foreign securities and ADRs in order to avoid any reconsideration of the exemption from registration pursuant to SEC Rule

<sup>5</sup> See NASD Rule 6620(a)(3)(C)(iii).

<sup>6</sup> See NASD Rule 6620 n.1.

<sup>8</sup> Release No. 34-58000 (June 23, 2008).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

12g3-2(b).<sup>7</sup> In connection with the permanent approval of the OTCBB in 1997, unregistered ADRs and foreign securities became ineligible for quotation on the OTCBB, and at that time, real-time dissemination of transactions in those securities was limited to only those quoted on the OTCBB.<sup>8</sup> Since the Commission approved FINRA's assumption of direct authority for the activities related to OTC trading, including but not limited to the OTCBB,<sup>9</sup> FINRA staff has been reviewing, among other areas, the trade reporting and dissemination requirements for OTC Equity Securities.

FINRA staff believes that the different treatment with respect to the reporting and dissemination of trade reports for OTC equity transactions in domestic securities, foreign securities, ADRs, and Canadian issues should be eliminated and that all transactions in OTC Equity Securities should be reported within 90 seconds of execution and that last sale information regarding those transactions should be disseminated on a real-time basis. FINRA created the exclusion to the 90-second reporting requirement for foreign securities in the early 1990s in response to concerns that requiring 90-second reporting for transactions in foreign equity securities could pose significant and costly operational problems for firms.<sup>10</sup> Currently, FINRA receives an overwhelming majority of reports for OTC transactions in foreign securities within 90 seconds of execution. FINRA believes that the operational issues that may have been present when the exclusion was adopted are no longer applicable. Consequently, the proposed rule change would eliminate the distinctions

<sup>7</sup> See Securities Exchange Act Release No. 31695 (January 6, 1993), 58 FR 4189 (January 13, 1993) (notice of filing of proposed rule change SR-NASD-92-48). FINRA notes that, during the OTCBB pilot phase, the Commission had permitted the quotation of unregistered foreign securities on the OTCBB, but raised concerns that quotation of such securities on the OTCBB would provide an active secondary trading market in unregistered securities and could result in such securities no longer meeting the terms of the SEC Rule 12g3-2(b) exemption, which is not available for securities quoted in an automated inter-dealer quotation system. Therefore, the quotation of foreign securities on the OTCBB was limited at that time to "non-firm" quotations that could be updated a maximum of two times per day (thus, quotes in foreign securities on the OTCBB were effectively stale), and trade report information was not publicly disseminated. See, e.g., Securities Exchange Act Release No. 38456 (March 31, 1997), 62 FR 16635 (April 7, 1997) (order approving SR-NASD-92-7).

<sup>8</sup> See *id.*

<sup>9</sup> See Securities Exchange Act Release No. 52508 (September 26, 2005), 70 FR 57346 (September 30, 2005) (order approving SR-NASD-2005-089).

<sup>10</sup> See Securities Exchange Act Release No. 32647 (July 16, 1993), 58 FR 39262 (July 22, 1993) (order approving SR-NASD-92-48).

between domestic, foreign, ADR, and Canadian securities and would treat all OTC transactions in the same manner, from both a reporting and a dissemination standpoint.<sup>11</sup>

By requiring 90-second reporting for foreign securities transactions, FINRA can uniformly disseminate that information on a real-time basis as well, providing improved transparency to the OTC market. Accordingly, the proposed rule change would not only eliminate the exclusion to the 90-second reporting requirement for transactions in foreign securities (and thus impose the same reporting requirements on all transactions in OTC equity securities), but would also provide for the real-time dissemination of this information.<sup>12</sup> FINRA believes that moving to a transaction reporting regime where all transactions in OTC Equity Securities are subject to prompt last sale reporting and real-time dissemination would substantially improve the transparency of the OTC market.<sup>13</sup>

FINRA believes that prompt last sale reporting and real-time dissemination of trade reports for all OTC transactions in ADRs, foreign securities, and Canadian issues will enhance the amount of market information available to investors and better enable investors to monitor the executions they receive in these securities. FINRA believes that it would not be providing a vehicle for

<sup>11</sup> The single exception would be for transactions in foreign equity securities executed over-the-counter in a foreign country and reported to the regulator of securities markets for that country. See NASD Rule 6620(g)(2)(B). Transactions in foreign equity securities executed on and reported to a foreign securities exchange also are exempted from the FINRA reporting requirements. See NASD Rule 6620(g)(2)(A).

<sup>12</sup> With the exception of NASD Rule 6250, which applies to dissemination of transaction information for TRACE-eligible securities, dissemination of trade reports is typically not governed by FINRA's rules, but rather by its protocols. Thus, FINRA is not proposing to amend any rules to effectuate the changes to the dissemination protocols discussed in this rule filing.

<sup>13</sup> Section 31 of the Act requires FINRA to pay transaction fees and assessments to the Commission for sales transacted by or through its members otherwise than on a national securities exchange of securities subject to prompt last sale reporting (pursuant to the rules of the Commission or FINRA). This fee is designed to recover the costs related to the government's supervision and regulation of the securities markets and securities professionals. To recover the costs of FINRA's section 31 obligation, FINRA assesses a regulatory transaction fee on its members under section 3 of Schedule A to the FINRA By-Laws, the amount of which is set in accordance with section 31. Because transactions in foreign securities (other than ADRs and Canadian issues) are not currently required to be reported "promptly," they are excluded from the regulatory transaction fee. The requirement to report transactions in foreign securities to FINRA within 90 seconds of execution would result in those transactions being subject to the regulatory transaction fee.

quoting or trading unregistered securities, a prior concern raised by the Commission.<sup>14</sup> Instead, FINRA would merely be disseminating, on a real-time basis, reports of transactions that have already occurred in the OTC market and have been submitted to FINRA by its members within 90 seconds of execution. FINRA believes that real-time dissemination is wholly consistent with the Commission's own views stated in its order approving the OTCBB on a permanent basis:

[FINRA] could increase transparency with less customer confusion by requiring transaction reporting for foreign securities traded over-the-counter in the U.S. Transaction reporting information has the potential to greatly enhance the amount of market information available to investors and better enable investors to monitor the executions they receive in foreign securities.<sup>15</sup>

Because FINRA would simply be collecting and disseminating trade reports and not providing a vehicle for quoting or trading securities, FINRA does not believe that the proposed rule change gives rise to the concerns previously voiced by the Commission in the context of the OTCBB regarding the quotation of "unregistered securities on a visible U.S. market operated by a self-regulatory organization."<sup>16</sup> Nor would it produce what the Commission has sought to avoid: "a regulated public marketplace for unregistered securities."<sup>17</sup>

FINRA intends to announce the effective date of the proposed rule change in a Regulatory Notice to be published no later than 60 days following Commission approval of this proposed rule change. The effective date will be 30 days following publication of the Regulatory Notice announcing Commission approval.

## 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,<sup>18</sup> which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In addition, section 11A(a)(1) of the Act<sup>19</sup> articulates the

<sup>14</sup> Quotations in unregistered ADRs and foreign securities, including some Canadian issues, already are published via the Electronic Pink Sheets.

<sup>15</sup> See Securities Exchange Act Release No. 38456 (March 31, 1997), 62 FR 16635 (April 7, 1997) (order approving SR-NASD-92-7).

<sup>16</sup> See *id.*

<sup>17</sup> See *id.*

<sup>18</sup> 15 U.S.C. 78o-3(b)(6).

<sup>19</sup> 15 U.S.C. 78k-1(a)(1).

Congressional findings and policy goals and objectives with respect to the development of a national market system.<sup>20</sup> Essentially, Congress found that new data processing and communication techniques should be applied to improve the efficiency of market operations, broaden the distribution of market information, enhance opportunities to achieve best execution and promote competition among market participants. FINRA believes that the proposed rule change will enhance transparency in foreign securities and promote pricing efficiency. Investors and other market participants will be afforded greater market information and be better able to monitor the executions they receive in these securities.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were neither solicited nor received. However, in connection with two other rule filings, SR-NASD-2005-089 and SR-NASD-2007-039, the Commission received eight written comment letters,<sup>21</sup> in which the commenters urged the Commission to require real-time dissemination of OTC-traded ADRs. For example, several commenters noted that real-time trade information enables investors to evaluate the quality of executions they receive and deters "trading ahead" of orders and other

<sup>20</sup> Although section 11A does not provide the Commission with authority to approve a self-regulatory organization's proposal, it is relevant in that it sets forth the Act's general policy goals for securities markets.

<sup>21</sup> See Letter dated August 26, 2005 from R. Cromwell Coulson, Pink Sheets LLC, to Jonathan Katz; Letter dated September 19, 2005 from William Vance and Kimberly Unger, The Security Traders Association of New York, Inc., to Jonathan Katz; Letter dated August 13, 2007 from R. Cromwell Coulson, Pink Sheets LLC, to Nancy Morris ("Coulson Letter"); Letter dated August 13, 2007 from Stephen Kay and Kimberly Unger, The Security Traders Association of New York, Inc., to Nancy Morris ("Kay/Unger Letter"); Letter dated August 13, 2007 from Lisa Utasi and John Giese, Security Traders Association, to Nancy Morris ("Utasi/Giese Letter"); Letter dated August 17, 2007 from Bryce Engel, TD Ameritrade, Inc., to Nancy Morris ("Engel Letter"); Letter dated August 23, 2007 from Xin Ye to Nancy Morris ("Ye Letter"); and Letter dated August 30, 2007 from Leonard Amoruso, Knight Capital Group Inc., to Nancy Morris.

improper trading practices.<sup>22</sup> One commenter argued that the "assertion that the dissemination of this data will encourage trading in unregistered securities is unsustainable, given the fact that FINRA already releases real-time data on unregistered domestic issues. Especially as regards unregistered ADRs, more information, delivered in a more timely way, can only serve to benefit investors."<sup>23</sup> Another commenter, in discussing the delisting of an ADR from the NYSE, stated that "[d]eprived of access to real time trading information, I, a market participant, just lost the ability to monitor the quality and firmness of quotation and executions of the security, thus hampering my ability to have a full grasp of the pulse of its trading."<sup>24</sup>

#### **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 self-regulatory organization consents, the Commission will:

- (A) By order approve the 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. Specifically, the Commission requests comment as to whether the proposed rule change would significantly change the factors considered by foreign private issuers in deciding whether to list on a U.S. securities exchange and register with the Commission, and whether the proposed rule change would serve to promote the U.S. over-the-counter market for unregistered foreign securities.

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

<sup>22</sup> See Coulson Letter; Kay/Unger Letter; Engel Letter.

<sup>23</sup> Utasi/Giese Letter. See also Coulson Letter.

<sup>24</sup> Ye Letter.

- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FINRA-2008-016 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-FINRA-2008-016. 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 self-regulatory organization. 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-FINRA-2008-016 and should be submitted on or before July 17, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>25</sup>

**Florence E. Harmon,**

*Acting Secretary.*

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<sup>25</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57991; File No. SR-ISE-2008-47]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Changes

June 19, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 17, 2008, the International Securities Exchange, LLC (“Exchange” or “ISE”) 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 by the Exchange. The ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the ISE under section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> 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 ISE is proposing to amend its Schedule of Fees to establish fees for transactions in options on 3 Premium Products.<sup>5</sup> The text of the proposed rule change is available on the ISE’s Web site (<http://www.iseoptions.com>), at the principal office of the ISE, 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 ISE 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 ISE 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 is proposing to amend its Schedule of Fees to establish fees for transactions in options on the CurrencyShares<sup>SM</sup> Canadian Dollar Trust (“FXC”), the CurrencyShares<sup>SM</sup> Swiss Franc Trust (“FXF”) and the UltraShort Financials ProShares (“SKF”).<sup>6</sup> The Exchange represents that FXC, FXF and SKF are eligible for options trading because they constitute “Exchange-Traded Fund Shares,” as defined by ISE Rule 502(h).

All of the applicable fees covered by this filing are identical to fees charged by the Exchange for all other Premium Products. Specifically, the Exchange is proposing to adopt an execution fee and a comparison fee for all transactions in options on FXC, FXF and SKF.<sup>8</sup> The amount of the execution fee and comparison fee for products covered by

<sup>6</sup> CurrencyShares<sup>SM</sup> Canadian Dollar Trust and CurrencyShares<sup>SM</sup> Swiss Franc Trust are service marks of their respective owner(s). Rydex Distributors, Inc., an affiliate of Rydex Investments and Rydex Specialized Products, is the distributor of Rydex funds. Rydex Specialized Products LLC, d/b/a Rydex Investments (“Rydex”), is the sponsor of FXC and FXF. Rydex has not licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on FXC and FXF or (ii) to use and refer to any trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on FXC and FXF or with making disclosures concerning options on FXC and FXF under any applicable federal or state laws, rules or regulations. Rydex does not sponsor, endorse, or promote such activity by ISE, and is not affiliated in any manner with ISE.

<sup>7</sup> “Dow Jones” and “Dow Jones U.S. Financials<sup>SM</sup>” are service marks of Dow Jones & Company, Inc. (“Dow Jones”) and has been licensed for use for certain purposes by ProFunds Trust. All other trademarks and service marks are the property of their respective owners. SKF is not sponsored, endorsed, issued, sold or promoted by Dow Jones. Dow Jones has not licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on SKF or (ii) to use and refer to any of their trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on SKF or with making disclosures concerning options on SKF under any applicable federal or state laws, rules or regulations. Dow Jones does not sponsor, endorse, or promote such activity by ISE and is not affiliated in any manner with ISE.

<sup>8</sup> These fees will be charged only to Exchange members. Under a pilot program that is set to expire on July 31, 2008, these fees will also be charged to Linkage Principal Orders (“Linkage P Orders”) and Linkage Principal Acting as Agent Orders (“Linkage P/A Orders”). The amount of the execution fee charged by the Exchange for Linkage P Orders and Linkage P/A Orders is \$0.24 per contract side and \$0.15 per contract side, respectively. See Securities Exchange Act Release No. 56128 (July 24, 2007), 72 FR 42161 (August 1, 2007) (SR-ISE-2007-55).

this filing will be \$0.15 and \$0.03 per contract, respectively, for all Public Customer Orders<sup>9</sup> and Firm Proprietary orders. The amount of the execution fee and comparison fee for all ISE Market Maker transactions will be equal to the execution fee and comparison fee currently charged by the Exchange for ISE Market Maker transactions in equity options.<sup>10</sup> Finally, the amount of the execution fee and comparison fee for all non-ISE Market Maker transactions will be \$0.37 and \$0.03 per contract, respectively.<sup>11</sup> Further, since options on FXC, FXF and SKF are multiply-listed, the Exchange’s Payment for Order Flow fee will apply to all three products. The Exchange believes the proposed rule change will further the Exchange’s goal of introducing new products to the marketplace that are competitively priced.

##### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of section 6 of the Act,<sup>12</sup> in general, and furthers the objectives of section 6(b)(4),<sup>13</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

#### B. Self-Regulatory Organization’s Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

<sup>9</sup> Public Customer Order is defined in Exchange Rule 100(a)(39) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(38) as a person or entity that is not a broker or dealer in securities.

<sup>10</sup> The execution fee is currently between \$0.21 and \$0.12 per contract side, depending on the Exchange Average Daily Volume, and the comparison fee is currently \$0.03 per contract side.

<sup>11</sup> The amount of the execution and comparison fee for non-ISE Market Maker transactions executed in the Exchange’s Facilitation and Solicitation Mechanisms is \$0.16 and \$0.03 per contract, respectively.

<sup>12</sup> 15 U.S.C. 78f.

<sup>13</sup> 15 U.S.C. 78f(b)(4).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> “Premium Products” is defined in the Schedule of Fees as the products enumerated therein.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, the foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act<sup>14</sup> and Rule 19b-4(f)(2)<sup>15</sup> thereunder. 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](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2008-47 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-ISE-2008-47. 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 ISE. 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-ISE-2008-47 and should be submitted on or before July 17, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Florence E. Harmon,**  
*Acting Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57993; File No. SR-ISE-2008-46]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Fee Changes

June 20, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 13, 2008, International Securities Exchange, LLC ("ISE" 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 by ISE. The Exchange has designated this proposal as one establishing or changing a member due, fee, or other charge imposed by ISE under section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> 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

ISE is proposing to amend its Schedule of Fees to establish fees for

transactions in options on one Premium Product.<sup>5</sup> The text of the proposed rule change is available at <http://www.ise.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, ISE 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. ISE 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 is proposing to amend its Schedule of Fees to establish fees for transactions in options on the SPDR® Gold Trust ("GLD").<sup>6</sup> The Exchange represents that GLD is eligible for options trading because it constitutes an "Exchange-Traded Fund Share," as defined by ISE Rule 502(h).

All of the applicable fees covered by this filing are identical to fees charged by the Exchange for all other Premium Products. Specifically, the Exchange is proposing to adopt an execution fee and a comparison fee for all transactions in options on GLD.<sup>7</sup> The amount of the

<sup>5</sup> "Premium Product" is defined in the Schedule of Fees as the products enumerated therein.

<sup>6</sup> "SPDR®" is a trademark of The McGraw-Hill Companies, Inc. ("McGraw-Hill") and has been licensed for use by the SPDR® Gold Trust ("GLD") pursuant to a sublicense from State Street Global Markets, LLC. GLD is not sponsored, endorsed, sold or promoted by McGraw-Hill, and McGraw-Hill makes no representation regarding the advisability of investing in GLD. McGraw-Hill has not licensed or authorized ISE to (i) engage in the creation, listing, provision of a market for trading, marketing, and promotion of options on GLD or (ii) to use and refer to any of their trademarks or service marks in connection with the listing, provision of a market for trading, marketing, and promotion of options on GLD or with making disclosures concerning options on GLD under any applicable federal or state laws, rules or regulations. McGraw-Hill does not sponsor, endorse, or promote such activity by ISE and is not affiliated in any manner with ISE.

<sup>7</sup> These fees will be charged only to Exchange members. Under a pilot program that is set to expire on July 31, 2008, these fees will also be charged to Linkage Principal Orders ("Linkage P Orders") and Linkage Principal Acting as Agent Orders ("Linkage P/A Orders"). The amount of the execution fee charged by the Exchange for Linkage P Orders and Linkage P/A Orders is \$0.24 per contract side and

Continued

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>15</sup> 17 CFR 19b-4(f)(2).

<sup>16</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

execution fee and comparison fee for products covered by this filing shall be \$0.15 and \$0.03 per contract, respectively, for all Public Customer Orders<sup>8</sup> and Firm Proprietary orders. The amount of the execution fee and comparison fee for all ISE Market Maker transactions shall be equal to the execution fee and comparison fee currently charged by the Exchange for ISE Market Maker transactions in equity options.<sup>9</sup> Finally, the amount of the execution fee and comparison fee for all non-ISE Market Maker transactions shall be \$0.37 and \$0.03 per contract, respectively.<sup>10</sup> Further, since options on GLD are multiply-listed, the Exchange's Payment for Order Flow fee shall apply to this product. The Exchange believes the proposed rule change will further the Exchange's goal of introducing new products to the marketplace that are competitively priced.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of section 6 of the Act,<sup>11</sup> in general, and furthers the objectives of section 6(b)(4),<sup>12</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

\$0.15 per contract side, respectively. See Securities Exchange Act Release No. 56128 (July 24, 2007), 72 FR 42161 (August 1, 2007) (SR-ISE-2007-55).

<sup>8</sup> Public Customer Order is defined in Exchange Rule 100(a)(39) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(38) as a person or entity that is not a broker or dealer in securities.

<sup>9</sup> The execution fee is currently between \$.21 and \$.12 per contract side, depending on the Exchange Average Daily Volume, and the comparison fee is currently \$.03 per contract side.

<sup>10</sup> The amount of the execution and comparison fee for non-ISE Market Maker transactions executed in the Exchange's Facilitation and Solicitation Mechanisms is \$0.16 and \$0.03 per contract, respectively.

<sup>11</sup> 15 U.S.C. 78f.

<sup>12</sup> 15 U.S.C. 78f(b)(4).

## 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<sup>13</sup> and Rule 19b-4(f)(2)<sup>14</sup> thereunder, because it establishes or changes a due, fee, or other charge imposed on members by ISE. 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](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2008-46 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-ISE-2008-46. 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-ISE-2008-46 and should be submitted on or before July 17, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-14500 Filed 6-25-08; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2008-0182]

**Office of Small and Disadvantaged Business Utilization (OSDBU); Notice of Request for Renewal of Data Collection by the Office of Small and Disadvantaged Business Utilization's (OSDBU) Regional Small Business Transportation Resource Centers (SBTRCs); Agency Information Collection Activities; Request for Comments, Renewal and Approval of Information Collection(s): Regional Center Intake Form (DOT F 4500) and Regional Resource Center Monthly Report Form (DOT F 4502)**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Office of Small and Disadvantaged Business Utilization (OSDBU) invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew information collection forms, associated with OSDBU. The collection involves the use of the Regional Center Intake Form which documents the type of assistance provided to each small business that is enrolled in the program.

The use of the Regional Resource Center Monthly Report Form will highlight activities, such as counseling, marketing, meetings/conferences, and services to businesses as completed during the month. The information will

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>14</sup> 17 CFR 240.19b-4(f)(2).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

be used to ascertain whether the program is providing services to its constituency, the small business community, in a fair and equitable manner. The information collected is necessary to determine whether small businesses are participating in DOT funded and DOT assisted opportunities with the DOT.

The Counseling Information Form has been terminated and the information contained in that form is now consolidated into the Regional Resource Center Monthly Report Form (formerly titled Monthly Report of Operations Form). To eliminate duplication and to streamline the data collection process, OSDBU revised the Monthly Report of Operations Form into the Regional Resource Center Monthly Report Form.

We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by August 25, 2008.

**ADDRESSES:** For submitting comments:

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

- Mail or Hand Delivery: U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue, SE., West Building, Room W12-140, Washington, DC 20590.

- Fax Comments: 202-493-2251.

- Agency Web Site: <http://www.regulations.gov>.

- For Further Information Contact: Arthur D. Jackson, 202-366-1930 ext 65344, Office of Small and Disadvantaged Business Utilization, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W56 462, Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* U.S. Department of Transportation, Office of Small and Disadvantaged Business Utilization.  
*OMB Control No:* 2105-0554.

*Affected Public:* Representatives of DOT Regional Small Business Transportation Resource Centers and the Small Business community on a national basis.

In accordance with Public Law 95-507, an amendment to the Small Business Act and the Small Business Investment Act of 1953, OSDBU is responsible for the implementation and execution of the Department of Transportation (DOT) activities on behalf of small businesses, in accordance with Section 8, 15 and 31 of the Small Business Act (SBA), as

amended. The Office of Small and Disadvantaged Business Utilization also administers the provisions of Title 49, of the United States Code, Section 332, the Minority Resource Center (MRC) which includes the duties of advocacy, outreach and financial services on behalf of small and disadvantaged businesses and those certified under CFR 49 parts 23 and/or 26 as Disadvantaged Business Enterprises (DBE).

The Small Business Transportation Resource Regional Centers will collect information on small businesses, which includes Disadvantaged Business Enterprise (DBE), Women-Owned Small Business (WOB), Small Disadvantaged Business (SDB), 8(a), Service Disabled Veteran Owned Business (SDVOB), Veteran Owned Small Business (VOSB), HubZone, and types of services they seek from the SBTRCs. Services and responsibilities of the SBTRCs include business analysis, general management and technical assistance and training, business counseling, outreach services/conference participation, short-term loan assistance. The cumulative data collected will be analyzed by the OSDBU to determine the effectiveness of services provided, including counseling, outreach, and financial services. Such data will also be analyzed by the OSDBU to determine agency effectiveness in assisting small businesses to enhance their opportunities to participate in government contracts and subcontracts.

The Regional Center Intake Form, (DOT F 4500) is used by the Regional SBTRC staff to enroll small business clients into the program in order to create a viable database of firms that can participate in government contracts and subcontracts, especially those projects that are transportation related. In addition, each enrolled small business will be assigned a client number that can track the firm's involvement in the services offered by the SBTRCs. Each area on the form must be filled in electronically by the SBTRCs and retained in secured files of the client. The completion of the form is used as a tool for making decisions about the needs of the business, such as referral to technical assistance agencies for help, identifying the type of profession or trade of the business, the type of certification that the business holds, length of time in business, and location of the firm.

The SBTRCs must complete an Intake Form and retain copies in secured files in their offices. This can assist the SBTRCs in developing a business plan or adjusting their business plan to increase its ability to market its goods

and services to buyers and potential users of their services.

*Respondents:* Small Business Transportation Resource Centers.

*Estimated Number of Respondents:* 100.

*Frequency:* The information will be collected monthly.

*Estimated Total Burden on Respondents:* 600 hours.

The Regional Resource Center Monthly Report Form (DOT F 4502) for each SBTRC must submit a monthly status report of business activities conducted during the 30-day time frame. The form is used to capture activities and accomplishments that were made by the Regional SBTRCs during the course of the month. In addition, the form includes a data collection section where numbers and hours are reported and a section that is assigned for a written narrative that provides backup that supports the data. Activities to be reported are (1) Counseling Activity which identifies the counseling hours provided to businesses, number of new appointments, and follow-up on counseled clients. (2) Activity for Businesses Served identifies the type of small business that is helped, such as a DBE, 8(a), WOB, HubZone, SDB, SDVOB, or VOSB. (3) Marketing Activity includes the name of an event attended by the SBTRC and the role played when participating in a conference, workshop or any other venue that relates to small businesses. (4) Meetings that are held with government representatives in the region, or at the state level, are an activity that is reported. (5) Events hosted by the SBTRCs, such as small business workshops, financial assistance workshops, matchmaking events, are activities that are reported on a monthly basis.

*Respondents:* Small Business Transportation Resource Centers.

*Estimated Number of Respondents:* 100.

*Frequency:* The information will be collected monthly.

*Estimated Total Burden on Respondents:* 1200 hours.

**Paperwork Reduction Act**

DOT/OSDBU invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a renewal for an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act (PRA) of 1995.

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance

of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information collection; and (d) ways to minimize the burden of the collection of information on respondents, by the use of electronic means, including the use of automated collection techniques or other forms of information technology.

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

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.Regulations.gov> at any time or visit the U.S. Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC, Room W12 140 on the ground level of the West Building (Ground Floor), between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Arthur D. Jackson, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Room W56 462, Washington, DC 20590, 202-366-1930 x 65344.

Issued in Washington, DC, on June 19, 2008.

**Leonardo San Roman,**

*Deputy Director, Office of Small and Disadvantaged Business Utilization.*

[FR Doc. E8-14488 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-9X-P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending May 30, 2008**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order,

or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2008-0179.

*Date Filed:* May 30, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* June 20, 2008.

*Description:* Application of South Pacific Express Holdings Ltd., d/b/a South Pacific Express Ltd. requesting an exemption and a foreign air carrier permit to engage in scheduled foreign air transportation of persons, property and mail between Samoa and American Samoa.

*Docket Number:* DOT-OST-2008-0180.

*Date Filed:* May 30, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* June 20, 2008.

*Description:* Application of Sundt Air AS requesting a foreign air carrier permit and an exemption to engage in on-demand charter transportation of passengers, property and mail between point(s) in Norway and point(s) in the United States, as well as other charters subject to pertinent national, bilateral and international laws and regulations.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. E8-14490 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-9X-P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending May 23, 2008**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2008-0166.

*Date Filed:* May 22, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* June 16, 2008.

*Description:* Notice of Vision Airlines, Inc. intent to resume scheduled interstate air transportation of persons, property and mail on May 22 or May 23, 2008 following a voluntary and brief cessation of operations, and requests a waiver from the applicable 45-day notice period to enable Vision to commence operation as soon as possible.

*Docket Number:* DOT-OST-2008-0167.

*Date Filed:* May 22, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* June 16, 2008.

*Description:* Joint Application of MAXjet Airways, Inc. ("MAXjet"), MAXjet Airways Acquisition Group LLC ("MAAG") and NCA MAXjet, Inc. ("NCA MAXjet") requesting transfer to MAAG and NCA MAXjet of the interstate certificate of public convenience and necessity issued to MAXjet.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. E8-14492 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-9X-P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Aviation Proceedings, Agreements Filed the Week Ending May 30, 2008**

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* DOT-OST-2008-0177.

*Date Filed:* May 30, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:*

Mail Vote 568—Resolutions 074z, 081oo, 081rr, 081s, 085u, 081pp. TC3 Japan, Korea-South West Pacific/ Japan, Korea-South East Asia. Passenger Amending Resolutions (Memo 1208).

*Intended effective date:* 13 June 2008.

*Docket Number:* DOT-OST-2008-0178.

*Date Filed:* May 30, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* CSC/Mail Vote/001/2008 dated 5 May 2008.

*Finally Adopted Resolution:* 1601.

*Intended effective date:* 1 August 2008.

**Renee V. Wright,**

*Program Manager, Docket Operations,  
Federal Register Liaison.*

[FR Doc. E8-14489 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice For Waiver of Aeronautical Land-Use Assurance; MBS International Airport, Saginaw, Michigan

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the MBS International Airport (MBS) from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of the sale of vacant, unimproved land owned by the MBS International Airport Commission (Commission).

The Commission has requested from FAA a "Release from Federal agreement obligated land covenants" to sell a portion of Parcel 6 which was acquired on March 14, 1949, under Instrument of Transfer from the United States of America, acting by and through the War Assets Administrator, to the Cities of Saginaw, Bay City, and Midland (recorded in Liber 802, pages 206-216).

There are no impacts to the airport by allowing the Commission to dispose of the vacant property. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before July 28, 2008.

**ADDRESSES:** Mr. David J. Welhouse, Program Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174.

**FOR FURTHER INFORMATION CONTACT:** Mr. David J. Weihouse, Program Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number (734) 229-2952/FAX Number (734) 229-2950. Documents reflecting this FAA action may be reviewed at this same location or at the MES International Airport, Freeland, Michigan.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the property located in Tittabawassee Township, Saginaw County, Michigan, and described as follows:

#### Description of That Portion of Parcel 6 Being Released (2.96 Acres)

Part of the north 1/2 of the northeast 1/4 of Section 22, T13NR3E, Tittabawassee Township, Saginaw County, Michigan, being further described as commencing at the east 1/4 corner of said Section; Thence north 00 degrees 35 minutes 36 seconds east, 1323.02 feet, on the east Section line, to the north 1/8 line and the Point of Beginning; Thence north 89 degrees 33 minutes 09 seconds west, 475.00 feet, on said 1/8 line; Thence north 00 degrees 35 minutes 36 seconds east, 133.62 feet; Thence north 45 degrees 25 minutes 53 seconds east, 353.12 feet, to the southerly line of Freeland Road Right-of-Way; Thence south 48 degrees 55 minutes 51 seconds east, 297.12 feet, on said line, to the east Section line; Thence south 00 degrees 35 minutes 36 seconds west, 189.94 feet, on said Section line, to the Point of Beginning, containing 2.96 acres, more or less.

Issued in Romulus, Michigan on May 30, 2008.

**Matthew J. Thys,**

*Manager, Detroit Airports District Office,  
FAA, Great Lakes Region.*

[FR Doc. E8-14386 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0118; Notice 1]

#### Continental Tire North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Continental Tire North America, Inc. (Continental), has determined that certain passenger car tires manufactured

during December of 2007 and January of 2008 did not fully comply with paragraph S5.5(e) of Federal Motor Vehicle Safety Standards (FMVSS) No. 139 *New Pneumatic Radial Tires for Light Vehicles*. Continental 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), Continental 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 Continental'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 approximately 1,925 size 255/60R17 106 H Continental CrossContact LX ETRTO passenger car tires manufactured in Continental's Mount Vernon, Illinois plant during December of 2007 and January of 2008.

Paragraph S5.5(e) of FMVSS No. 139 requires:

S5.5 *Tire Markings*. Except as specified in paragraphs (a) through (h) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (h) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inch.

(a) The symbol DOT, which constitutes a certification that the tire conforms to applicable Federal motor vehicle safety standards;

(b) The tire size designation as listed in the documents and publications specified in S4.1.1 of this standard;

(c) The maximum permissible inflation pressure, subject to the limitations of S5.5.4 through S5.5.6 of this standard;

(d) The maximum load rating;

(e) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different;

(g) The term "tubeless" or "tube type," as applicable; and

(h) The word "radial," if the tire is a radial ply tire.

Continental explains that the noncompliance is that the sidewall marking incorrectly identifies the generic material of the plies in the body of the tire as rayon when they are in fact polyester. Specifically, the tires in question were inadvertently manufactured with "TREAD 6 PLYES 2 RAYON + 2 STEEL + 2 NYLON SIDEWALL 2 PLYES 2 RAYON" marked on the sidewall. The labeling should have been "TREAD 6 PLYES 2 POLYESTER + 2 STEEL + 2 NYLON SIDEWALL 2 PLYES 2 POLYESTER." (emphasis added).

Continental states that it discovered the mold labeling error that caused the noncompliance during a routine quality audit.

Continental makes the argument that this noncompliance is inconsequential to motor vehicle safety because the noncompliant sidewall marking does not affect the safety, performance and durability of the tire and that the tires were built as designed and all other sidewall identification markings and safety information is correct.

Continental further states that it performs ongoing compliance testing to assure tire performance, and that all of the subject tires will meet or exceed the performance requirements of FMVSS No. 139. Continental also states its belief that there will be no operational impact on the performance or safety of vehicles on which these tires are mounted.

Continental also points out that NHTSA has previously granted petitions for sidewall marking noncompliances that it believes are similar to the instant noncompliance.

Continental also stated that it has corrected the problem that caused these errors so that they will not be repeated in future production.

In summation, Continental 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. Therefore, these provisions only apply to vehicles and equipment that have already passed from the manufacturer to an owner, purchaser, or dealer.

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 am to 5 pm 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](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](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.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: June 20, 2008.

**Jeffrey Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. E8-14416 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0119; 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 from 2007 until March 2008 did not fully comply with paragraph S5.5(f) of 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 approximately 82,636 Dunlop SP Sport Signature passenger car tires that were manufactured from 2007 until March 2008 in the following sizes:

205/55R16 91V  
225/55R16 95V  
205/50R17 93V  
215/55R16 93V  
P215/55R17 93V  
205/65R15 94V  
P205/60R16 91V

Paragraph S5.5(f) of FMVSS No. 139 requires:

S5.5 *Tire Markings*. Except as specified in paragraphs (a) through (h) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d)

and on one sidewall with the information specified in S5.5(e) through (h) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inch.

(a) The symbol DOT, which constitutes a certification that the tire conforms to applicable Federal motor vehicle safety standards;

(b) The tire size designation as listed in the documents and publications specified in S4.1.1 of this standard;

(c) The maximum permissible inflation pressure, subject to the limitations of S5.5.4 through S5.5.6 of this standard;

(d) The maximum load rating;

(e) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different;

(g) The term "tubeless" or "tube type," as applicable; and

(h) The word "radial," if the tire is a radial ply tire.

Goodyear explains that the noncompliance is that the sidewall marking incorrectly identifies the number of plies in the tread of the tire. Specifically, the tires in question were inadvertently manufactured with "Tread 3 Polyester + 2 Steel" marked on the sidewall. The labeling should have been "Tread 2 Polyester + 2 Steel + 2 Polyester".

Goodyear states that it discovered the mold labeling error that caused the non-compliance during a routine quality audit.

Goodyear makes the argument that the subject tires were manufactured with the correct number of plies in the tread and only the sidewall marking is incorrect.

Goodyear also contends that all of the markings related to tire service (load capacity, corresponding inflation pressure, etc.) are correct and that the mislabeling of these tires is inconsequential to motor vehicle safety because the tires meet or exceed all applicable Federal Motor Vehicle Safety performance standards.

Goodyear also points out that NHTSA has previously granted petitions for sidewall marking noncompliances that it believes are similar to the instant noncompliance.

Goodyear also stated that it will correct the problem that caused these errors so that they will not be repeated in future production.

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. Therefore, these provisions only apply to vehicles and equipment that have already passed from the manufacturer to an owner, purchaser, or dealer.

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 am to 5 pm 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](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 28, 2008.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: June 20, 2008.

**Jeffrey Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. E8-14422 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0120]

#### Notice of Receipt of Petition for Decision That Nonconforming 2004 Land Rover Range Rover Multipurpose Passenger Vehicles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 2004 Land Rover Range Rover multipurpose passenger vehicles are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2004 Land Rover Range Rover multipurpose passenger vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their

manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATE:** The closing date for comments on the petition is July 28, 2008.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

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

- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251.

*Instructions:* 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. Please see the Privacy Act heading below.

*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 19477-78).

*How To Read Comments Submitted to the Docket:* You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments.

Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (WETL) (Registered Importer 90-005) has petitioned NHTSA to decide whether nonconforming 2004 Land Rover Range Rover multipurpose passenger vehicles are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are 2004 Land Rover Range Rover multipurpose passenger vehicles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it carefully compared non-U.S. certified 2004 Land Rover Range Rover multipurpose passenger vehicles to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 2004 Land Rover Range Rover multipurpose passenger vehicles, as originally manufactured, conform to many FMVSS in the same

manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2004 Land Rover Range Rover multipurpose passenger vehicles are identical to their U.S.-certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 113 *Hood Latch System*, 114 *Theft Protection*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*, 124 *Accelerator Control Systems*, 135 *Light Vehicle Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorage Systems*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Inscription of the word "brake" on the instrument cluster in place of the international ECE warning symbol, and (b) replacement or conversion of the speedometer to read in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Installation of U.S.-model headlamps, and rear mounted side marker lamps.

Standard No. 111 *Rearview Mirrors:* Installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars:* Installation of a tire information placard.

Standard No. 301 *Fuel System Integrity:* Installation of U.S.-model fuel system rollover valve and associated mounting hardware.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR part 565.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 20, 2008.

**Jeffrey Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. E8-14420 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0117]

#### Notice of Receipt of Petition for Decision That Nonconforming 2006 Lamborghini Gallardo Roadster Passenger Cars Manufactured Between January 1, 2006 and August 31, 2006 Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006 are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006 that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006,) and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is July 28, 2008.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

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

- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251.

*Instructions:* 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. Please see the Privacy Act heading below.

*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 19477-78) or you may visit <http://DocketInfo.dot.gov>.

*How To Read Comments Submitted to the Docket:* You may read the comments received by Docket Management at the address and times given above. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

- (1) Go to the Federal Docket Management System (FDMS) Web page <http://www.regulations.gov>.

- (2) On that page, click on "Advanced Docket Search."

- (3) On the next page select "NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION" from the drop-down menu in the Agency field and enter the Docket ID number shown at the heading of this document.

(4) After entering that information, click on "submit."

(5) The next page contains docket summary information for the docket you selected. Click on the comments you wish to see. You may download the comments. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. ("AMC"), of North Miami, Florida (Registered Importer 01-278) has petitioned NHTSA to decide whether nonconforming 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006 are eligible for importation into the United States. The vehicles which AMC believes are substantially similar are 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006 that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006 to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

AMC submitted information with its petition intended to demonstrate that non-U.S. certified 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2006 Lamborghini Gallardo roadster passenger cars manufactured between January 1, 2006 and August 31, 2006 are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch System*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorage Systems*, and 302 *Flammability of Interior Materials*.

In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR Part 581.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: installation of a U.S.-model instrument cluster and associated hardware and software, or modification of the existing instrument cluster to meet the requirements of this standard.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model

components to meet the requirements of this standard.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection*: installation of a supplemental key warning buzzer, or installation of U.S.-version software to meet the requirements of this standard.

Standard No. 208 *Occupant Crash Protection*: inspection of all vehicles and replacement of any non U.S.-model seat belts, air bag control units, air bags, and sensors with U.S.-model components on vehicles that are not already so equipped; and (b) installation of U.S.-version software to ensure that the seat belt warning system meets the requirements of this standard.

The petitioner states that the crash protection system used in these vehicles consists of dual front airbags and combination lap and shoulder belts at the front outboard seating positions. The seat belt systems are described as being self-tensioning, and capable of being released by means of a single red push-button.

Standard No. 209 *Seat Belt Assemblies*: inspection of all vehicles and replacement of any non U.S.-model seat belts with U.S.-certified model seat belts.

Standard No. 210 *Seat Belt Assembly Anchorages*: inspection of all vehicles and replacement of any non U.S.-model seat belts anchorage components with U.S.-model components.

Standard No. 301 *Fuel System Integrity*: inspection of all vehicles and replacement of any non U.S.-model fuel system components with U.S.-model components.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 20, 2008.

**Jeffrey Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. E8-14431 Filed 6-25-08; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 19, 2008.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before July 28, 2008 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-1374.

*Type of Review:* Extension.

*Title:* Qualified Electric Vehicle Credit.

*Form:* 8834.

*Description:* Form 8834 is used to compute an allowable credit for qualified electric vehicles placed in service after June 30, 1993. Section 1913(b) under Pub. L. 102-1018 created new section 30.

*Respondents:* Businesses or other for-profit institutions.

*Estimated Total Burden Hours:* 2,350 hours.

*Clearance Officer:* Glenn P. Kirkland, (202) 622-3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Robert Dahl,**

*Treasury PRA Clearance Officer.*

[FR Doc. E8-14435 Filed 6-25-08; 8:45 am]

**BILLING CODE 4830-01-P**

## U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

### Notice of Open Public Hearing

**AGENCY:** U.S.-China Economic and Security Review Commission.

**ACTION:** Notice of open public hearing—July 16, 2008, Washington, DC.

**SUMMARY:** Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

*Name:* Larry Wortzel, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, evaluate and report to Congress annually on “the national security implications and impact of the bilateral trade and economic relationship between the United States and the People’s Republic of China.”

Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on July 16, 2008 to address “Research and Development and Technological Advances in Key Industries in China.”

### Background

This event is the eighth in a series of public hearings the Commission will hold during its 2008 report cycle to collect input from leading academic, industry, and government experts on the impact of the economic and national security implications of the U.S. bilateral trade and economic relationship with China. The July 16 hearing will examine domestic and foreign-funded research and development, Chinese development in key industries, and the changing nature of China’s trade flows.

The July 16 hearing will address “Research and Development and Technological Advances in Key Industries in China” and will be co-chaired by Commissioners Michael Wessel and Dennis Shea.

Information on hearings, as well as transcripts of past Commission hearings, can be obtained from the USCC Web Site <http://www.uscc.gov>.

Copies of the hearing agenda will be made available on the Commission’s Web site <http://www.uscc.gov> as soon as available. Any interested party may file a written statement by July 16, 2008, by mailing to the contact below. On July 16, the hearing will be held in two sessions, one in the morning and one in the afternoon. There will be a question and answer period between the Commissioners and the witnesses.

**DATE AND TIME:** Wednesday, July 16, 2008, 8:30 a.m. to 4:45 p.m. Eastern

Daylight Time. A detailed agenda for the hearing will be posted to the Commission’s Web site at <http://www.uscc.gov> in the near future.

**ADDRESSES:** The hearing will be held on Capitol Hill in Room 106 Dirksen Senate Office Building located at First Street and Constitution Avenue, NE., Washington, DC 20510. Public seating is limited to about 50 people on a first come, first served basis. Advance reservations are not required.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information concerning the hearing should contact Kathy Michels, Associate Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington, DC 20001; phone: 202-624-1409, or via email at [kmichels@uscc.gov](mailto:kmichels@uscc.gov).

**Authority:** Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106-398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7), as amended by Pub. L. 109-108 (November 22, 2005).

Dated: June 23, 2008.

**Kathleen J. Michels,**

*Associate Director, U.S.-China Economic and Security Review Commission.*

[FR Doc. E8-14533 Filed 6-25-08; 8:45 am]

**BILLING CODE 1137-00-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Notice of Renewal of Four Federal Advisory Committees

In compliance with both the Federal Advisory Committee Act (Pub. L. 92-463) and associated regulations governing the operation of federal advisory committees, the Department of Veterans Affairs (VA) gives notice that four federal advisory committees managed by VA are being renewed for a period of two years each. The name of each committee is provided below, along with a brief description of its principal objective(s).

*Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee*—The Committee’s objectives are to provide expert advice on VA cooperative studies, multi-site clinical research activities, and policies related to conducting and managing these efforts. To accomplish its objectives, the Committee reviews research proposals and makes recommendations to the Director of the Clinical Science

Research and Development Service and Chief Research and Development Officer on funding and administration of those proposals.

*Health Services Research and Development Service Merit Review Board*—The objective of the Board is to ensure the high quality and mission relevance of VA’s legislatively mandated research and development program. Board members advise the Director of the Health Services Research and Development Service and the Chief Research and Development Officer on the scientific and technical merit, originality, feasibility, and mission relevance of individual research proposals. They also advise on the adequacy of protection of human and animal subjects and proposed budgets.

*Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board*—The objectives of the Board are to provide expert review of the scientific quality, safety, and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration, and to offer advice on research program priorities and policies. The proposals to be reviewed may address research questions within the general area of biomedical and behavioral research or clinical science research. The Board specifically advises the Directors of the Biomedical Laboratory Research and Development Service and the Clinical Science Research and Development Service and the Chief Research and Development Officer on the administration of VA’s intramural program.

*Rehabilitation Research and Development Service Scientific Merit Review Board*—The objective of the Board is to provide for the fair and equitable selection of the most meritorious research projects for support by VA research funds, and to offer advice on research program priorities and policies. The ultimate objective of the Board is to ensure that the VA Rehabilitation Research and Development program promotes functional independence and improves the quality of life for impaired and disabled veterans.

Dated: June 19, 2008.

By direction of the Secretary.

**E. Philip Riggan,**

*Committee Management Officer.*

[FR Doc. E8-14341 Filed 6-25-08; 8:45 am]

**BILLING CODE 8320-01-M**

# Corrections

Federal Register

Vol. 73, No. 124

Thursday, June 26, 2008

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2008-OS-0072]

### U.S. Court of Appeals for the Armed Forces Proposed Rules Change

#### Correction

Notice document E8-13997, appearing on pages 35126 and 35127 in the issue of Friday, June 20, 2008 is being reprinted in its entirety to include text that should have been bold.

**ACTION:** Notice of Proposed Change to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

**SUMMARY:** This notice announces the following proposed change to Rule 21(f) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces for public notice and comment. New language is in bold

print. Language to be removed is within brackets.

**DATES:** Comments on the proposed change must be received within 30 days of the date of this notice.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** William A. DeCicco, Clerk of the Court, telephone (202) 761-1448.

Dated: June 16, 2008.

**Patricia L. Toppings,**  
*OSD Federal Liaison Officer, DoD.*

Rule 21 (a)-(e) unchanged.

(f) [An appellant or counsel for an appellant may move to withdraw his petition at any time. See Rule 30.]

**(f) An appellant or counsel for an appellant may move to withdraw his petition at any time by filing a motion pursuant to Rule 30. Such a motion shall substantially comply with the requirements of Rule for Courts-Martial 1110, and be accompanied by a written request for withdrawal that includes the following:**

**(1) A statement that the appellant and counsel for the appellant have discussed the appellant's right to appellate review, the effect of withdrawal, and that the appellant understands these matters;**

**(2) A statement that the motion to withdraw the petition is submitted voluntarily and cannot be revoked; and**

**(3) The signatures of the appellant and counsel for the appellant.**

*Comment:* The requirements for submitting a motion to withdraw a petition for grant of review should be changed to ensure that the appellant is personally aware of the motion and that it is submitted voluntarily with full knowledge of its meaning and effect.

[FR Doc. Z8-13997 Filed 6-25-08; 8:45 am]

**BILLING CODE 1505-01-D**



# Federal Register

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**Thursday,  
June 26, 2008**

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**Part II**

## **Department of Housing and Urban Development**

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**HOPE VI Main Street Grants Notice of  
Funding Availability; Notice**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5212-N-01]

### HOPE VI Main Street Grants Notice of Funding Availability

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of HUD's Fiscal Year (FY) 2008 Notice of Funding Availability for HUD's Discretionary Programs (SuperNOFA): HOPE VI Main Street Grants Program.

**SUMMARY:** Although this NOFA is not included in the SuperNOFA announcement, this NOFA is governed by the information and instructions found in the Notice of HUD's Fiscal Year 2008 Notice of Funding Availability Policy Requirements and General Section (2008 General Section) that HUD published on March 19, 2008, and all subsequent Supplementary Information and Technical Corrections published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding specific program requirements should be directed to the agency contact identified in this program NOFA. Questions regarding the 2008 General Section or Supplementary information thereto, should be directed to the Office of Departmental Grants Management and Oversight at (202) 708-0667 (this is not a toll-free number) or the NOFA Information Center at (800) HUD-8929 (toll-free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at (800) 877-8339. The NOFA Information Center is open between the hours of 10 a.m. and 6:30 p.m. eastern time, Monday through Friday, except federal holidays.

**SUPPLEMENTARY INFORMATION:** Through today's publication, HUD is making available approximately \$4 million in assistance through the FY2008 HOPE VI Main Street Grants program. Today's publication is in addition to the \$1 billion made available through the FY2008 SuperNOFA.

As is HUD's practice in publishing the SuperNOFA, the NOFA published today provides the statutory and regulatory requirements, threshold requirements, and rating factors applicable to funding being made available today (through the HOPE VI Main Street NOFA). Applicants for the HOPE VI Main Street NOFA must also refer to the 2008 General Section and any subsequent Supplementary Information and Technical Corrections for important

application information and requirements, including submission requirements, which have changed this year.

In FY2008, HUD intends to continue to require its applicants to submit their applications electronically through <http://www.grants.gov>. If applicants have questions concerning the registration process, registration renewal, assigning a new Authorized Organization Representative, or have a question about a NOFA requirement, please contact HUD staff identified in this program NOFA. HUD staff cannot help the applicant write the application, but can clarify requirements that are contained in the 2008 General Section, this Notice, and in HUD's registration materials.

New applicants should note that they are required to complete a five-step registration process in order to submit their applications electronically. The 2008 General Section, included in the instructions download materials on <http://www.grants.gov> (Grants.gov), provides a step-by-step explanation of the registration process, as well as where to find, on HUD's Web site, materials prepared by HUD to help guide applicants through the registration and application submission process.

Applications and Instructions have been posted to Grants.gov. HUD encourages applicants to subscribe to the Grants.gov free notification service. By doing so, applicants will receive an e-mail notification as soon as items are posted to the Web site. The address to subscribe to this service is <http://www.grants.gov/search/email.do>. By joining the notification service, if a modification is made to the NOFA, applicants will receive an e-mail notification that a change has been made.

HUD encourages applicants to carefully read the 2008 General Section and this program section of the NOFA. Carefully following the directions provided can make the difference in a successful application submission.

#### Overview Information

A. Federal Agency Name. Department of Housing and Urban Development, Office of Public and Indian Housing.

B. Funding Opportunity Title. HOPE VI Main Street Grants.

C. Announcement Type. Initial announcement.

D. Funding Opportunity Number. FR-5212-N-01; OMB approval number is 2577-0208.

E. Catalog of Federal Domestic Assistance (CFDA) Number. The CFDA number for this NOFA is 14.878,

"Affordable Housing Development in Main Street Rejuvenation Projects."

F. Dates.

1. Application Submission Date. The application deadline date is August 15, 2008. Applications must be received and validated by Grants.gov no later than 11:59:59 p.m. on the application deadline date. Validation by Grants.gov may occur up to 48 hours after electronic receipt of the application. See the 2008 General Section for application submission and timely receipt requirements.

2. Estimated Grant Award Date. The estimated award date will be September 24, 2008.

G. Additional Important Overview Information.

1. Electronic Application Submission. Applications for this NOFA must be submitted electronically through [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). Registration or required annual re-registration to submit an application electronically may take more than a week because of the following: (1) The applicant's requirement to register with the Central Contractor Registration (CCR), (2) the cross-checking of applicant identification numbers between CCR and the Internal Revenue Service (IRS), (3) applicant registration with the Grants.gov Web site, and (4) the applicant's requirement to register the official who will be submitting the application. HUD's Early Registration Notice can be obtained through HUD's Web site at <http://www.hud.gov/grants/>.

2. Match. A Match of cash or in-kind services of 5 percent of the requested grant amount is required in order to be considered for grant award.

3. Application materials. Application materials may be obtained from [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). Any technical corrections will be published in the **Federal Register** and posted to Grants.gov. Frequently asked questions will be posted on HUD's Web site at <http://www.hud.gov/offices/adm/grants/otherhud.cfm> and <http://www.hud.gov/offices/pih/programs/ph/hope6/grants/fy08/>.

4. 2008 General Section Reference. Section I, "Funding Opportunity Description," of the 2008 General Section for HUD's Discretionary Programs (2008 General Section), published in the **Federal Register** on March 19, 2008, and subsequent Supplementary Information and Technical Corrections published in the **Federal Register**, are hereby incorporated by reference.

5. Other 2008 General Section References. See "Other Submission

Requirements” in section IV.F. of this NOFA and the 2008 General Section for detailed information about application submission.

## Full Text of Announcement

### I. Funding Opportunity Description

A. Available Funds. This NOFA announces the availability of approximately \$4 million in FY2008 funds.

B. Purpose of the Program. The purpose of the HOPE VI Main Street program is to provide grants to small communities to assist in the rejuvenation of an historic or traditional central business district or “Main Street” area by replacing unused commercial space in buildings with affordable housing units.

1. The objectives of the program are to:

- a. Redevelop Main Street areas;
- b. Preserve historic or traditional architecture or design features in Main Street areas;
- c. Enhance economic development efforts in Main Street areas; and
- d. Provide affordable housing in Main Street areas.

C. Statutory Authority.

1. The program authority for the HOPE VI Main Street program is section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), as amended by section 535 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998), the HOPE VI Program Reauthorization and Small Community Mainstreet Rejuvenation and Housing Act of 2003 (Pub. L. 108–186, 117 Stat. 2685, approved December 16, 2003); and the Consolidated Appropriations Act, 2008 (Pub. L. 110–161, approved December 26, 2007).

2. The funding authority for the HOPE VI Main Street program is provided by the Consolidated Appropriations Act, 2008 (Pub. L. 110–161, approved December 26, 2007) under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI).”

3. “The HOPE VI Program Reauthorization and Small Community Mainstreet Rejuvenation and Housing Act of 2003” states that, of the amount appropriated for the overall HOPE VI program for any fiscal year, the Secretary of Housing and Urban Development (the Secretary) shall provide up to 5 percent for use only for the Main Street initiative. The statute amended section 24(n) of the Act, which now provides for grants to smaller communities, to provide assistance to carry out eligible affordable housing activities.

D. Definition of Terms.

1. *Affordable housing* for this NOFA means rental or homeownership dwelling units that, for INITIAL occupants:

- a. Are made available to low-income families, with a subset of units made available to very low-income families; and
- b. Provide the same rules regarding occupant contribution toward rent or purchase, and basic terms of rental or purchase, as are provided to occupants of public housing units in a HOPE VI development. Rights and responsibilities vary among HOPE VI developments. HOPE VI public housing units use various mechanisms to set the resident portion of rent, resident job training or employment requirements, resident rights of return, and other occupancy issues. The Grantee, with HUD’s approval, determines how to implement these initial resident safeguards. Strict application of public housing rules and regulations is not required; e.g., the use of HUD forms and recordkeeping requirements for occupancy and income. Units developed, rehabilitated or reconfigured through this NOFA are NOT and statutorily MUST NOT BE public housing units.

2. *Applicant Team* (“Team”) means the group of entities that will develop the Main Street affordable housing project (“project”). The Team includes the unit of local government that submits the application and, where applicable, the procured Developer, the procured property manager, architects (including architects who are knowledgeable about universal design and section 504 accessible design requirements), construction contractors, attorneys, investment partners that comprise an owner entity, and other parties that may be involved in the development and management of the project.

3. *Community and Supportive Services* (“CSS”) means services provided to residents of the project that may include, but are not limited to:

- a. Homeownership counseling that is scheduled to begin promptly after grant award so that, to the maximum extent possible, qualified residents will be ready to purchase new homeownership units when they are completed;
- b. Educational life skills, job readiness and retention, employment training, and other activities as described on HUD’s HOPE VI Web site at <http://www.hud.gov/offices/pih/programs/ph/hope6/css/>; and
- c. Coordination with fair housing groups to educate the Main Street

affordable housing project’s targeted population on its fair housing rights.

4. *Firmly committed* means that the amount of match or of Leverage resources and their dedication to HOPE VI Main Street activities must be explicit, in writing, and signed by a person authorized to make the commitment.

5. *2008 General Section* means the “Notice of HUD’s Fiscal Year (FY) 2008 Notice of Funding Availability (NOFA); Policy Requirements and 2008 General Section to the FY 2008 SuperNOFA for HUD’s Discretionary Programs,” published in the **Federal Register** on March 19, 2008. The 2008 General Section can be obtained through HUD’s Web site at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

6. *Homeownership unit* means a housing unit that a local government makes available through a grant from this NOFA for purchase by a low-income family for use as its principal residence.

7. *Initial occupancy period* means the period of time that a rental unit is occupied by the initial low-income resident, or the period of time that a homeownership unit is owned by the initial third-party, low-income purchaser. There is no set requirement for the length of this occupancy period.

8. *Jurisdiction* means the physical area under the supervision of a local government.

9. *Leverage* means non-HOPE VI-funded donations of cash and in-kind services that are firmly committed to the rejuvenation of the Main Street Area and are from non-HOPE VI sources.

a. Leverage may include funds/in-kind services that are already expended, received but not expended, and firmly committed but not yet received. See the definition of “firmly committed” in section 4., above.

b. Types of resources that may be counted include:

- (1) Private mortgage-secured loans, insured loans, and other debt;
- (2) Housing trust funds;
- (3) Net sales proceeds from a homeownership project that exceed the amount of HOPE VI funds used to develop the homeownership unit;
- (4) Tax Increment Financing (TIF);
- (5) Proceeds from Low-Income Housing Tax Credits (LIHTC), Historic Preservation Tax Credits, and Tax Exempt Bonds;
- (6) Land Sale Proceeds. The value of land sale proceeds may be included as cash Leverage only if this value is a sales proceed. Absent a sales transaction, the value of land will be counted as an in-kind donation;

(7) Other Federal Funds. Other federal sources may include non-public housing funds provided by HUD;

(8) In-Kind Services, including donations of:

(a) Staff time of either the local government applicant or the recognized Developer entity;

(b) Property such as materials, supplies, a building, a long-term lease on a building, and other infrastructure;

(c) Services such as Homeownership Counseling, other CSS and family self-sufficiency (FSS) resources, and time and services contributed by volunteers.

(9) Leverage does NOT include, and HUD will not count:

10. *Local government* means any city, county/parish, town, township, parish, village, or other general purpose political subdivision of a state; Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, the District of Columbia, and the Trust Territory of the Pacific Islands, or a general purpose political subdivision thereof; or a combination of such political subdivisions that is recognized by the Secretary.

11. *Low-income* limits prescribed by HUD are stated on the internet at [http://www.huduser.org/intercept.asp?loc=/datasets/il/il08/FY2008\\_Section8\\_IncomeLimits.pdf](http://www.huduser.org/intercept.asp?loc=/datasets/il/il08/FY2008_Section8_IncomeLimits.pdf). Low-income family means a family (resident) with an income equal to or less than 80 percent of median income for the local area, adjusted for family size, in accordance with section 3(b)(2) of the United States Housing Act of 1937, as amended. HUD may establish a level higher or lower than 80 percent because of prevailing construction costs or unusually high or low family incomes in the area. "Local area" is defined as the non-metropolitan county/parish or primary metropolitan statistical area/metropolitan statistical area (PMSA/MSA) or county/parish, as prescribed by HUD, in which the low-income family resides.

12. *Main Street Area* means an area determined and designated by the applicant that fulfills the requirements stated in "Program Requirements," Section III.C. of this NOFA, and:

a. Is within the jurisdiction of the applicant;

b. Has specific boundaries that are determined by the applicant;

c. Is or was:

(1) Traditionally the central business district and center for socio-economic interaction;

(2) Characterized by a cohesive core of historic and/or older commercial and mixed-use buildings, often interspersed with civic, religious, and residential

buildings, which represent the community's architectural heritage;

d. Is the location of a downtown or "Main Street" rejuvenation effort that:

(1) Has as its purpose the revitalization or redevelopment of the historic or traditional commercial area;

(2) Involves investment, or other participation, by the applicant local government and private entities in the community in which the project is carried out; and

(3) Involves the development of affordable housing that is located in the commercial area.

13. *Main Street affordable housing project* ("project") means the collection of affordable housing units that are developed in the Main Street Area using funds obtained through this NOFA, and meet the requirements as stated in "Program Requirements," section III.C of this NOFA.

14. *Match* is cash or in-kind donations that will be expended on allowable activities under the grant. The match must:

a. Total at least 5 percent of the requested HOPE VI Main Street grant amount; and

b. Be from private-sector sources or government sources other than HOPE VI funding, including Community Development Block Grant (CDBG) funds, which by statute are considered local money.

15. *Owner entity* is the legal entity that holds title to the real property that contains any affordable housing units developed through this NOFA.

16. *Person with disabilities* means a person who:

a. Has a condition defined as a disability in section 223 of the Social Security Act;

b. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

c. Is determined to have a physical, mental, or emotional impairment that:

(1) Is expected to be of long-continued and indefinite duration;

(2) Substantially impedes his or her ability to live independently; and

(3) Is of such a nature that such ability could be improved by more suitable housing conditions.

d. The term "person with disabilities" may include persons who have acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing, based solely on any drug or alcohol dependence.

e. The definition provided above for persons with disabilities is the proper

definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

17. *Program* means the HOPE VI Main Street Program (Main Street).

18. *Recognized Developer* (Developer) means a legal entity that has an agreement with the local government applicant, or the local government applicant itself, that is seeking financing for rehabilitation and/or construction of housing units, and the provision of Community and Supportive Services (if required), through this NOFA.

a. For a non-complex development, the applicant may choose not to use a Developer and instead directly procure a design/build construction contractor and accountant.

19. *Site Control* means the local government applicant, or its Developer, has the legal authority to commit the owner of the property to the rehabilitation to be performed with HOPE VI Main Street grant funds. Some examples of site control are:

a. The local government owns the property outright;

b. The private owner of the property and the applicant have signed a Developer agreement and the private owner is the Developer;

c. The government- or private-owner has signed an agreement with a separate Developer and the agreement gives the Developer site control;

d. The applicant or Developer has an option to purchase the property from the private owner that covers a time period sufficient to obtain grant funds for purchase and environmental review approval (at least 180 days after award), and is contingent only upon: (1) Receipt of a grant from this NOFA; and (2) satisfactory compliance with this NOFA's environmental review requirements;

e. An owner-entity partnership was formed between the applicant, original owner, and, possibly, the Developer and other interested parties.

20. *Unit of General Local Government*. See "local government" under this section.

21. *Very low-income family* means a family (or resident) with an income equal to or less than 50 percent of median income for the local area, adjusted for family size, in accordance with section 3(b)(2) of the United States Housing Act of 1937, as amended. HUD may establish a level higher or lower than 50 percent because of prevailing construction costs or unusually high or low family incomes in the area. HUD-

prescribed income limits are stated at [http://www.huduser.org/intercept.asp?loc=/datasets/il/il08/FY2008\\_Section8\\_IncomeLimits.pdf](http://www.huduser.org/intercept.asp?loc=/datasets/il/il08/FY2008_Section8_IncomeLimits.pdf). Local area is defined as the PMSA/MSA or non-metropolitan county/parish, as prescribed by HUD, in which the low-income family resides.

22. 2008 General Section reference. The subsection entitled "Funding Opportunity Description" in section I of the 2008 General Section is hereby incorporated by reference.

## II. Award Information

Available Funds. A total of approximately \$4 million appropriated for FY 2008 is available for funding under this NOFA and must be obligated by September 30, 2008.

A. Number of Awards. This NOFA will result in approximately 4 awards.

B. Range of Amounts of Each Award. Each applicant may request up to \$1,000,000.

C. Start Date, Period of Performance. The term of the grants that result from this NOFA will start on the date that the grant award document is signed by HUD and will continue for 30 months thereafter.

D. Type of Instrument. Grant Agreement.

E. Supplementation. Grants resulting from this NOFA do not supplement other HOPE VI grants.

## III. Eligibility Information

A. Eligible Applicants. Eligible applicants include, and are limited to, local governments, as defined in section I.D. of this NOFA and section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302). The local government must:

1. Have a population of 50,000 or less; and

2. Not be served by a local government, county/parish, regional, or state public housing agency (PHA) that administers more than 100 public housing units *within the local government's jurisdiction*. Such units exclude section 8 Housing Voucher subsidized units and public housing units in Mixed-Finance developments where the PHA is not the General Partner in the for-profit ownership entity.

B. Cost Sharing or Match.

1. Match. HUD is required by the Quality Housing and Work Responsibility Act (42 U.S.C. 1437v(c)(1)(A)) to include the requirement for matching funds for all HOPE VI-related grants. Applicants must provide matching funds or in-kind services in the amount of 5 percent of the requested grant amount from

sources other than HUD HOPE VI funds. Match sources may include other federal sources, CDBG funds (which are statutorily considered state funds), any state or local government sources, any private contributions, the value of any donated material or building, the value of any long-term lease on a building, the value of the time and services contributed by volunteers, and the value of any other in-kind services provided. MATCH FUNDS MUST BE USED ONLY FOR CARRYING OUT ELIGIBLE AFFORDABLE HOUSING ACTIVITIES THAT RELATE TO THE MAIN STREET AFFORDABLE HOUSING PROJECT PRESENTED IN THIS APPLICATION. The match may include funds that have already been spent or funds that are for future use.

a. Match donations must be *firmly committed* to the Main Street affordable housing project presented in the application. See the definition of "firmly committed" in "Definitions," Section I.D. of this NOFA.

b. The applicant may propose to use the applicant's own funds to meet the match requirement, provided that the match funds do not originate from HOPE VI funds.

c. See section IV.B. of this NOFA for the requirements for documentation of match resources.

C. Other.

1. Eligible Uses of Grant Funds. Main Street grant funds may be expended on the following activities (Note that non-eligible activities and restrictions are located in section IV.E.):

a. New construction, reconfiguration, or rehabilitation of affordable rental and homeownership housing units located within the Main Street Area. New construction and rehabilitation activities that are intrinsic to the development of the affordable housing units may extend to other portions of the Main Street affordable housing project; e.g., to the building envelope, to interior bearing walls of commercial space located below the affordable housing units, and to systems installation through commercial space located below or adjacent to the affordable housing units.

b. Architectural and Engineering activities, surveys, permits, and other planning and implementation costs related to the construction and rehabilitation of the Main Street affordable housing project presented in the application.

c. Tax credit syndication costs.

d. Funding of moving expenses for any persons displaced as a result of construction or rehabilitation of the project, in accordance with the Uniform Relocation Assistance and Real Property

Acquisition Policies Act of 1970 (URA) and, as guidance only, Handbook CPD 02-08, "Guidance on the Application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended in HOPE VI Projects."

e. Management improvements necessary for the proper development and management of the Main Street affordable housing project presented in the application, similar to and including, but not limited to:

(1) Staff training (including travel) related to affordable housing development and management.

(2) Staff time and materials or contractor services to revise or develop:

(a) Procedure manuals;

(b) Accounting systems, excluding accounting services or bookkeeping;

(c) Lease documents;

(d) Resident screening procedures; and

(e) Data processing systems.

f. Leveraging non-HOPE VI funds and in-kind services. See the definition of "Leverage" in section I.D. of this NOFA.

g. Community and Supportive Services. See Funding Restrictions in section IV.E. of this NOFA.

(1) Only 15 percent of the grant amount may be used for Community and Supportive Services. See "Funding Restrictions," section IV.E. of this NOFA, for non-allowable costs and activities.

2. Thresholds.

a. Match (Sections G and I).

Applicants must provide matching funds in the amount of 5 percent of the requested grant amount from sources other than HUD HOPE VI funds. See "Cost Sharing or Match," section III.B. of this NOFA.

(1) In order to demonstrate that the applicant meets this threshold, for each match resource, the application must include a letter stating a specific match amount and stating that the match is firmly committed to be used for activities related to the particular project presented in the application. Each match resource must also be listed on page 12 of the "HOPE VI Main Street Application Data Sheet," form HUD-52861 (under the Excel Worksheet Tab, "Matching and Housing Resources") which will be a part of the application. Columns on that page provide space to include the following required information for each source: Resource organization name, name and telephone number of a contact at the resource organization, the amount of the resource organization's contribution, and whether the contribution is in cash or in-kind services. All columns, except

the last, "Leverage Period More Than 2 Years," must be filled in.

(2) If the applicant does not demonstrate that there will be matching funds of at least 5 percent of the requested grant amount, the application will not be eligible for funding through this NOFA.

b. Leverage (Sections G and I). The applicant must furnish enough Leverage resources (other than the match) to show that there is both public and private support for the Main Street rejuvenation effort. If the application does not include any Leverage cash or in-kind services (other than the match), the application will not be eligible for funding through this NOFA.

c. Past Performance on Main Street Grants. All prior Main Street grants require that construction start within 15 months of the grant award date. If a current Main Street grantee is more than one year late in starting construction, i.e., construction has not started within 27 months after the grant award date, that grantee will not be eligible for funding through this NOFA. HUD will determine whether construction has not started within 27 months of a previous award. If the applicant has an existing Main Street grant that is less than 27 months old, this threshold does not apply.

d. Main Street Area (Section L). The applicant must have within its jurisdiction a Main Street Area. See section I.D. of this NOFA for the definition of a Main Street Area.

(1) In order to demonstrate that the applicant meets this threshold, the application must contain the attachment "Map of the Main Street Area." The attached map must clearly show the applicant-determined Main Street Area boundaries. Boundaries may be streets, rail lines, rivers, or other man-made or natural bounds. No other documentation is necessary.

(2) If the applicant's jurisdiction does not have a Main Street Area, the application will not be eligible for funding through this NOFA.

e. Main Street Affordable Housing Project (Section M). The targeted affordable housing project must conform to this NOFA's requirements for a Main Street affordable housing project, as defined in "Program Requirements," section III.C. of this NOFA.

(1) By applying for a grant through this NOFA, the applicant certifies that the Main Street affordable housing project meets the Program Requirements. No other documentation is necessary to meet this threshold.

(2) If the targeted affordable housing project does not conform to this NOFA's requirements, the application will not

be eligible for funding through this NOFA.

(3) Other projects in the same Main Street Area are eligible for funding through this NOFA. If the project in the application for this NOFA has already received funding through a prior Main Street NOFA, the application will not be eligible for funding through this NOFA.

f. One Main Street Area. Under this NOFA, the applicant must apply for assistance only in support of one Main Street Area. That is, if the local government's jurisdiction includes two neighborhoods, each with a traditional commercial/social center, the application must contain only one of those traditional commercial/social centers. However, the applicant's Main Street affordable housing project may consist of several scattered sites within that one Main Street Area. If the applicant applies for assistance for more than one Main Street Area through this NOFA, the application will not be eligible for funding through this NOFA.

g. Code of Conduct (Section E for Narrative and Section Q for Code).  
(1) The applicant must have developed and must maintain a written code of conduct (see 24 CFR 84.42 and 85.36(b)(3)). The applicant must provide, or have provided, documentation that demonstrates that it has a written code of conduct.

(2) The applicant must submit a copy of its code of conduct as part of the application if its code of conduct is not already on file with HUD. See 24 CFR 84.42 and 85.36(b)(3).

(3) Unless the applicant is listed on HUD's Web site at <http://www.hud.gov/offices/adm/grants/codeofconduct/cconduct.cfm> and the information has not been revised, the applicant is required to submit:

(a) A copy of its code of conduct;  
(b) A description of the methods it will use to ensure that all officers, employees, and agents of its organization are aware of its code of conduct; and

(c) The following information, as it is stated on the SF-424:

(i) Dun and Bradstreet Data Universal Numbering System (DUNS) number;

(ii) Employer Identification Number (EIN);

(iii) Applicant's Legal Name (**Note:** Applicants must enter their legal name in box 8.a. of the SF-424 as it appears in the Central Contractor Register (CCR). See the 2008 General Section regarding CCR registration);

(iv) Address (Street, PO Box, City, State, and ZIP Code); and

(d) Authorized Official's information (Name, Title, Telephone Number, and E-mail Address).

(4) The code of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by the organization's officers, employees, or agents for their personal benefit in excess of minimal value; and outline administrative and disciplinary actions available to remedy violations of such standards.

(5) See section III.C. of the 2008 General Section for more detailed information and instructions if the applicant needs to submit its code of conduct to HUD via facsimile.

(6) If the applicant does not provide a copy of the code of conduct and its implementation methodology in its application, or is not listed by HUD as having already submitted such documentation, the application will not be eligible for funding through this NOFA.

h. The following sub-sections of section III of the 2008 General Section are hereby incorporated by reference. The applicant must comply with each of the incorporated threshold requirements in order to be eligible for funding, including:

(1) Ineligible Applicants;  
(2) DUNS Number Requirement;  
(3) Compliance With Fair Housing and Civil Rights Laws;  
(4) Conducting Business in Accordance With Core Values and Ethical Standards;  
(5) Delinquent Federal Debts;  
(6) Pre-Award Accounting System Surveys;  
(7) Name Check Review;  
(8) False Statements;  
(9) Prohibition Against Lobbying Activities; and

(10) Debarment and Suspension.

i. Affirmatively Furthering Fair Housing (Section T). Successful applicants engaged in housing or housing related activities are obliged to take reasonable steps in affirmatively furthering fair housing (AFFH). Consistent with the 2008 General Section, applicants must provide a statement on AFFH in accordance with the 2008 General Section's instructions. Failure to include this statement will render the application ineligible for funding through this NOFA.

3. Certification of Certain Thresholds.

a. Certification by Application. The SF-424, "Application for Federal Assistance," is the cover sheet to the application. By manually or electronically signing the SF-424, the applicant certifies that the following thresholds have been met:

(1) The Main Street Area rejuvenation effort:

(a) Is carried out within the jurisdiction of the applicant;

(b) Involves the development of affordable housing that is located in the commercial area that is the subject of the rejuvenation effort; and

(c) Has as its purpose the revitalization or redevelopment of a historic or traditional commercial area.

(2) A portion of the Main Street affordable housing project units will be reserved for very low-income initial occupants.

(3) Historic preservation requirements in section 106 of the National Historic Preservation Act of 1966 (NHPA) will be fulfilled, where applicable.

(4) Environmental requirements stated in the NOFA will be fulfilled.

(5) Building standards stated in the NOFA will be fulfilled.

(6) Relocation requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) will be fulfilled.

(7) Fair Housing, Civil Rights, and Section 3 requirements will be followed and fulfilled.

#### 4. Program Requirements.

a. Main Street Area Recognition by HUD. The applicant must have, within the applicant's jurisdiction, an existing HUD-recognized Main Street Area rejuvenation effort that involves affordable housing. In order to be recognized by HUD, a Main Street Area rejuvenation effort must:

(1) Be located within a definable Main Street Area (See Section I.D. of this NOFA);

(2) Have as its purpose the rejuvenation or redevelopment of a historic or traditional commercial area;

(3) Involve investment or other participation by BOTH the local government and locally located private entities;

(4) Comply with historic preservation requirements as directed by the cognizant State Historic Preservation Officer (SHPO) or, if such historic preservation requirements are not applicable, to preserve significant traditional, architectural, and design features in the project structures or Main Street Area; and

(5) Include the development of the project that is proposed and described in the application for a grant through this NOFA.

b. Main Street Affordable Housing Project (Project). The "Main Street affordable housing project" is the collection of affordable housing units that are rejuvenated or developed in the Main Street Area using match funds related to this NOFA, funds obtained through this NOFA, and, optionally, other Leverage funds or in-kind services. The project must:

(1) Involve the construction or rehabilitation of affordable housing units. The number of units that will be developed through this NOFA must have a value that exceeds the Total Development Cost calculated in the form HUD-52861, "HOPE VI Main Street Application Data Sheet";

(2) Be located within the boundaries of the applicant's Main Street Area; and

(3) NOT replace demolished or otherwise disposed of public housing units.

c. Program Schedule. The application requires a Program Schedule for the applicant's Project. The Program Schedule must reflect the Reasonable Time-Frame and Development Proposal time requirements stated in section VI.B. of this NOFA.

d. Requirements During the Initial Occupancy Period.

(1) Initial residents of affordable rental units and initial resident purchasers of affordable homeownership units must be subject to the same rules regarding occupant contribution toward rental or purchase, and basic terms of rental or purchase, as residents of HOPE VI development public housing units. Site-based waiting lists, resident job or training requirements, and other occupancy requirements that are allowed under section 24 of the U.S. Housing Act of 1937 (1937 Act) may be applied to the units. As with public housing, initial residents cannot be evicted without cause.

(2) The project owner entity is not required to develop and maintain mandatory PHA documentation; e.g., the PHA Plans as described in 24 CFR part 903, etc. However, before the project is initially rented, the ownership entity must determine and develop a written statement of its rent determination and occupancy policies, and obtain HUD approval of the policies.

(3) Public housing, HUD HOME, or Low-Income Housing Tax Credit rental requirements are not mandatory under the Main Street program, but may be used as examples for such policies. Such examples are located at 24 CFR 903.7(d) and 24 CFR 903.7(f). If other government programs are used in connection with the applicant's Main Street grant activities, such requirements apply to the extent required by the other programs.

e. Main Street Homeownership. The initial sale of an affordable homeownership unit to a third-party, low-income purchaser must take place in accordance with Section 24 of the 1937 Act. Providing homeownership counseling to residents is mandatory if

the application includes development of homeownership units.

f. Use Restrictions. PROJECT UNITS MUST BE MAINTAINED AS AFFORDABLE HOUSING ONLY FOR THE PERIOD OF INITIAL RENTAL OCCUPANCY OR THE INITIAL RESIDENT'S OWNERSHIP. The applicant may elect to apply use restrictions for a longer period, or in excess, of this requirement.

g. Leveraging Other Resources.

(1) Leverage is the contribution of funds or in-kind services from sources other than a grant that results from this NOFA. The Main Street Area rejuvenation effort must have community support from government and the private sector. Leverage demonstrates this support. See "Leverage" in "Definitions," section I.D. of this NOFA. To measure the amount of support that the Main Street Area rejuvenation effort has, this NOFA includes a Leverage rating factor. See Rating Factor 3(c) in section V.A.3 of this NOFA.

(2) Unlike grant and match funds from this NOFA, Leverage is not limited to the funding of affordable housing development. Leverage can include contributions that have been made to, or are firmly committed to, the Main Street Area rejuvenation effort as a whole. It can include past or future funding for other affordable housing, retail supportive services, jobs, and other economic development that is part of the Main Street Area rejuvenation effort. Other examples of uses for Leverage funds include, but are not limited to:

(a) The acquisition of existing housing units that will become affordable housing, but do not require rehabilitation, including associated costs, such as appraisals, surveys, tax settlements, broker fees, and other closing costs;

(b) Off-site site improvements that are contiguous to the site;

(c) Demolition;

(d) Restoration of the Main Street affordable housing project façade when façade rehabilitation is not an integral part of the project's rehabilitation;

(e) Rehabilitation of retail space in the Main Street affordable housing project, even if this rehabilitation is not an integral part of the rehabilitation of the rental areas of the project;

(f) Rehabilitation of retail space elsewhere in the Main Street Area;

(g) Funding of Reserves; e.g., the Initial Operating Reserve necessary for financial viability during the initial affordable housing occupancy period, Replacement Reserves, etc.;

(h) Homeownership financial assistance, e.g., write-down of

homeownership unit development costs and downpayment assistance;

(i) Other uses that relate directly to the project;

(j) Site improvements, e.g., repaving streets or upgrading streets or sidewalks with brick or cobblestone, adding "boulevard" islands, etc.;

(k) Legal and administrative fees and costs; and

(l) Other uses that do not relate directly to the project, but do relate to the Main Street Area rejuvenation effort.

h. Transfer of Title for Tax Credits. The original owner entity of project properties may transfer title to, or commit to a long-term lease with, an owner entity partnership that includes the original owner, the applicant, an equity partner and, when appropriate, other partners, for the purpose of obtaining Low-Income or Historic Tax Credit equity as a Leverage resource. Such a transfer, excluding legal fees, is an allowable grant activity. See section IV.E. of this NOFA for limits on the sale of real property.

i. Section 106 Historic Preservation Requirements. Grantees may not commit HUD funds until HUD has completed the historic preservation review and consultation process under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f) and its implementing regulation, 36 CFR part 800, as applicable, in accordance with environmental review requirements under 24 CFR part 50. See <http://www.achp.gov/> for details on the section 106 review process.

j. Environmental Requirements.

(1) HUD's notification of award to a selected applicant constitutes a preliminary approval by HUD, subject to HUD's completion of an environmental review of proposed sites in accordance with 24 CFR part 50. Selection for participation (preliminary approval) does not constitute approval of the proposed site(s).

(2) The application constitutes a certification that the applicant will supply HUD with all available, relevant information necessary for HUD to perform any environmental review required by 24 CFR part 50 for each property; will carry out mitigating measures required by HUD or, if mitigation is not feasible, select alternate eligible property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property, nor commit or expend HOPE VI, other HUD or other non-HUD funds, for these program activities with respect to any eligible property, until the applicant receives written HUD approval of the property.

(3) Each proposal will be subject to a HUD environmental review, in accordance with 24 CFR part 50, and the proposal may be modified or the proposed sites rejected as a result of that review.

(4) Phase I and Phase II Environmental Site Assessments. If the applicant is selected for funding, the applicant must have a Phase I environmental site assessment completed in accordance with the ASTM Standards E 1527-05, as amended (see <http://www.astm.org/>). The results of the Phase I assessment must be included in the documents that must be provided to HUD for the environmental review. If the Phase I assessment recognizes environmental concerns or if the results are inconclusive, a Phase II environmental site assessment will be required.

(5) Mitigating and remedial measures. You must carry out any mitigating/remedial measures required by HUD. If a remediation plan, where required, is not approved by HUD and a fully funded contract with a qualified contractor licensed to perform the required type of remediation is not executed, HUD reserves the right to determine that the grant is in default.

(6) The application constitutes a certification that there are not any environmental or public policy factors, such as sewer moratoriums, that would preclude development in the requested Main Street Area.

(7) Note that environmental requirements for this NOFA are found in 24 CFR part 50, which requires HUD environmental approval. Please note that 24 CFR part 58, which allows state and local governments to assume federal environmental responsibilities, is not applicable. It only applies to PHAs.

(8) HUD's environmental Web site is located at <http://www.hud.gov/offices/cpd/environment/index.cfm>.

k. Building Standards.

(1) Building Codes. All activities that include construction, rehabilitation, lead-based paint removal, and related activities must meet or exceed local building codes. The applicant is encouraged to read the policy statement and Final Report of the HUD Review of Model Building Codes that identify the variances between the design and construction requirements of the Fair Housing Act and several model building codes. That report can be found on the HUD Web site at <http://www.hud.gov/offices/fheo/disabilities/modelcodes/>.

(2) Deconstruction. HUD encourages the applicant to design programs that incorporate sustainable construction and demolition practices, such as the dismantling or "deconstruction" of

housing units, recycling of demolition debris, and reusing of salvage materials in new construction. "A Guide to Deconstruction" can be found at <http://www.huduser.org/publications/destech/decon.html>.

(3) Partnership for Advancing Technology in Housing (PATH). HUD encourages the applicant to use PATH technologies in the construction and delivery of affordable housing. PATH is a voluntary initiative that seeks to accelerate the creation and widespread use of advanced technologies to improve the quality, durability, environmental performance, energy efficiency, and affordability of our nation's housing radically.

(a) The goal of PATH is to achieve dramatic improvement in the quality of U.S. housing by the year 2010. PATH encourages leaders from the home building, product manufacturing, insurance, and financial industries and representatives from federal agencies dealing with housing issues to work together to spur housing design and construction innovations. PATH will provide technical support in design and cost analysis of advanced technologies to be incorporated in project construction.

(b) Applicants are encouraged to employ PATH technologies to exceed prevailing national building practices by:

- (i) Reducing costs;
- (ii) Improving durability;
- (iii) Increasing energy efficiency;
- (iv) Improving disaster resistance; and
- (v) Reducing environmental impact.

(c) More information, including a list of technologies, the latest PATH Newsletter, results from field demonstrations, and descriptions of PATH projects can be found at <http://www.pathnet.org>.

(4) Energy Efficiency.

(a) New construction and rehabilitation must comply with the 2003 International Energy Conservation Code (IECC 2003), which incorporates American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) 90.1 2001 by reference for high-rise multifamily housing.

(i) IECC 2003 Administrative Guidance. IECC 2003 applies to all construction and rehabilitation of residential and commercial property. The standard contains exceptions that allow for its reasonable application to Main Street NOFA activities.

(A) IECC 2003 section "101.2.2.3 Historic buildings. The provisions of this code \* \* \* shall not be mandatory for existing buildings or structures specifically identified and classified as

historically significant by the state or local jurisdiction, listed in The National Register of Historic Places, or which have been determined to be eligible for such listing.”

(B) IECC 2003 section “101.2.3 Mixed occupancy. [For mixed-use buildings,] \* \* \* each portion of the building shall conform to the requirements for the occupancy housed therein. Buildings [with more than two housing units] with a height of four or more stories above grade shall be considered commercial buildings \* \* \* regardless of the number of floors that are classified as residential.” That is, if there is a store in the building, that part of the building is considered commercial. The rest of the building would incorporate low-rise residential requirements.

(C) IECC 2003 section “101.2.2.2 Additions, alterations or repairs. Additions [and rehabilitation of a building or portion of a building] \* \* \* shall conform to the provisions of this code \* \* \*, without requiring the unaltered portion(s) of the existing system to comply with all of the requirements of this code. Additions [or rehabilitation] shall not cause any one of the aforementioned and existing systems to become unsafe, hazardous or overloaded.”

(b) Where local or state energy-related building codes exceed the above standards, new construction and rehabilitation must comply with those local or state standards.

(c) The applicant must use new technologies that will conserve energy and decrease operating costs, where cost effective. Examples of such technologies include:

- (i) Geothermal heating and cooling;
- (ii) Placement of buildings and size of eaves that take advantage of the directions of the sun throughout the year;
- (iii) Photovoltaics (technologies that convert light into electrical power);
- (iv) Extra insulation;
- (v) Smart windows;
- (vi) Energy Star appliances; and
- (vii) Combined heat and power (cogeneration).

(5) Universal Design. HUD encourages the applicant to incorporate the principles of universal design in the construction or rehabilitation of housing, retail establishments, and community facilities, and when communicating with community residents at public meetings or events. Universal Design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of Universal Design is to simplify

life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Universal Design benefits people of all ages and abilities. Examples include designing wider doorways, installing levers instead of doorknobs, and putting bathtub/shower grab bars in all units. Computers and telephones can also be set up in ways that enable as many residents as possible to use them. The Department has a publication that contains a number of ideas about how the principles of Universal Design can benefit persons with disabilities. To order a copy of “Strategies for Providing Accessibility and Visitability for HOPE VI and Mixed Finance Homeownership,” go to the publications and resource page of the HOPE VI Web site at <http://www.huduser.org/publications/pubasst/strategies.html>.

(6) Energy Star. HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA), and the Department of Energy have signed a partnership to promote energy efficiency in HUD’s affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Applicants constructing, rehabilitating, or maintaining housing or community facilities are encouraged to promote energy efficiency in design and operations. They are urged especially to build to Energy Star qualifications and to purchase and use Energy Star-labeled products. Applicants providing housing assistance or counseling services are encouraged to promote Energy Star building to homebuyers and renters. Program activities can include developing Energy Star promotional and informational materials, outreach to low- and moderate-income renters and buyers on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see <http://www.energystar.gov> or call (888) STAR-YES ((888) 782-7937) or, for the hearing-impaired, (888) 588-9920 (TTY). See the 2008 General Section, section VI.B.2.h on page 14901, as published in Volume 73 of the **Federal Register**.

1. Lead-Based Paint. The applicant must comply with lead-based paint evaluation and reduction requirements as provided for under the Lead-Based

Paint Poisoning Prevention Act (42 U.S.C. 4821, *et seq.*), the EPA’s Pre-Renovation Education Rule (40 CFR 745, subpart E), HUD’s Lead Safe Housing Rule (24 CFR 35, subparts B–R), and the Lead Disclosure Rule (24 CFR 35, subpart A), which addresses documents provided to pre-1978 housing owners regarding lead paint or hazard testing or lead hazard reduction activities, as they may be amended or revised from time to time. The applicant will be responsible for lead-based paint evaluation and reduction activities for housing constructed prior to 1978. The National Lead Information Hotline is (800) 424-5323.

m. Labor Standards. Davis-Bacon wage rates do NOT apply to grants from this NOFA, with the following exceptions:

(1) If other federal programs are used in connection with the applicant’s HOPE VI Main Street activities, Davis-Bacon requirements apply to the extent required by the other federal programs.

(2) If any grant funds from an award through this NOFA are expended by a PHA, acting as a Developer, partnering with a Developer, or as a partner in an ownership entity partnership, Davis-Bacon wage rates will apply to laborers and mechanics (other than volunteers under 24 CFR part 70) employed in development of all housing units, and HUD-determined wage rates will apply to laborers and mechanics (other than volunteers) employed in the operation of all housing units, regardless of whether such units are public housing or non-public housing.

n. Relocation Requirements. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655), implementing regulations at 49 CFR part 24, and, as advice only, “Handbook CPD 02-08, Guidance on the Application of the Uniform Relocation Assurance and Real Property Acquisition Policies Act of 1970 (URA), as amended in HOPE VI Projects” apply to anyone who is displaced as a result of acquisition, rehabilitation, or demolition due to a HUD-assisted activity.

o. Fair Housing and Equal Opportunity Requirements.

Fair Housing and Equal Opportunity requirements stated in section III.C. of the 2008 General Section are hereby incorporated by reference and apply to this NOFA. In addition, the following requirement applies:

(1) Accessibility Requirements.

(a) All “multifamily” HOPE VI developments, defined as projects with more than five units, are subject to the accessibility requirements contained in several federal laws, as implemented in

24 CFR part 8. PIH Notice 2003–31, as advice only, available at <http://www.hud.gov/offices/pih/publications/notices/>, and subsequent updates, provide an overview of all pertinent laws and implementing regulations pertaining to HOPE VI.

(b) Generally, for substantial rehabilitation of projects with more than 15 housing units, or new construction of a multifamily project, at least 5 percent of the units, or one unit, whichever is greater, must be accessible to persons with mobility impairments. An additional 2 percent, but not less than one unit, must be made accessible for persons with hearing or vision impairment. See, in particular, 24 CFR parts 8.20 through 8.32.

(c) In addition, under the Fair Housing Act, all new construction of covered multifamily buildings must contain certain features of accessible and adaptable design. The relevant accessibility requirements are provided on HUD's FHEO Web site at <http://www.hud.gov/groups/fairhousing.cfm>. Units covered are all those in elevator buildings with four or more units and all ground floor units in buildings without elevators. See also "program accessibility" at <http://www.hud.gov/offices/fheo/disabilities/sect504faq.cfm#anchor263905>. This section is in addition to, and does not replace, other non-HUD accessibility requirements to which the applicant local government may be subject.

p. Procurement. City governments are required to follow the procurement regulations at 24 CFR 85.36 at a minimum. State and local procurement requirements apply to the extent required by those governments.

5. 2008 General Section References. The following subsections of section III of the 2008 General Section are hereby incorporated by reference:

a. Additional Nondiscrimination and Other Requirements;

(1) Civil Rights Laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*);

(2) The Age Discrimination Act of 1974 (42 U.S.C. 6101 *et seq.*); and

(3) Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*)

b. Affirmatively Furthering Fair Housing;

c. Economic Opportunities for Low- and Very Low-Income Persons (Section 3);

d. Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses;

e. Relocation;

f. Executive Order 13166, Improving Access to Services for Persons With Limited English Proficiency (LEP);

g. Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations;

h. Accessible Technology;

i. Procurement of Recovered Materials;

j. Participation in HUD-Sponsored Program Evaluation;

k. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects;

l. Salary Limitation for Consultants;

m. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs;

n. Environmental Requirements;

o. Conflict of Interest;

p. Drug-Free Workplace; and

q. Safeguarding Resident/Client Files.

#### IV. Application and Submission Information

A. Addresses to Request Application Package. This section describes how the applicant may obtain application forms, additional information about the 2008 General Section of this NOFA, and technical assistance.

1. Copies of this published NOFA and related application forms may be downloaded from the Grants.gov Web site at [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). If the applicant has difficulty accessing the information, it may receive customer support from Grants.gov by calling the help line at (800) 518-GRANTS ((800) 518-4726) or by sending an e-mail to [support@grants.gov](mailto:support@grants.gov). The operators will assist the applicant in accessing the information. If the applicant does not have Internet access and needs to obtain a copy of this NOFA, it can contact HUD's NOFA Information Center toll-free at (800) HUD-8929. Persons with hearing or speech impairments may call the Federal Information Relay Service at (800) 877-8339.

2. The published **Federal Register** document is the official document that HUD uses to evaluate applications. Therefore, if there is a discrepancy between any materials published by HUD in its **Federal Register** publications and other information provided in paper copy, electronic copy, or at <http://www.grants.gov>, the **Federal Register** publication prevails. Please be sure to review the application submission against the requirements in this NOFA.

3. An unofficial MS Word 2003 version of this NOFA (which contains

active links to Internet addresses stated in this NOFA), and related materials, can also be found at <http://www.hud.gov/offices/pih/programs/ph/hope6/grants/fy08/index.cfm>.

B. Content and Form of Application Submission.

1. Number of Applications Permitted. Each applicant may submit only one application.

2. Joint Applications. Joint applications are not permitted. However, the applicant may enter into subgrant agreements with procured Developers, other partners, nonprofit organizations, state governments, or other local governments to perform the activities proposed under the application.

3. General Format and Length of Application.

a. Applicant Name. The applicant's official name is the name that is submitted to Grants.gov on the form SF-424. (**Note:** Applicants must enter their legal name in box 8.a. of the SF-424 as it appears in the Central Contractor Register (CCR). See the 2008 General Section regarding CCR registration.)

b. Electronic Format.

(1) General.

(a) Sections of the application are as listed below.

(b) In accordance with the 2008 General Section, applications are to be submitted electronically via [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). Applicants should be aware that HUD is using the Adobe forms package, not Pure Edge forms (as in previous years). Applicants must download Adobe Reader version 8.1.2 to be able to complete the application download. See the 2008 General Section for additional instructions.

(2) File Names.

(a) The name of each submitted file should include the information below so that a HUD reviewer will be able to identify it as part of the application:

(i) Short version of applicant's name, e.g., town, city, county/parish, etc., and state; and

(ii) The word "Narrative" or "Attachment," as applicable, and the Section (Tab) letter(s) (A through V) that are included in the file, as listed below.

(b) Examples of file names are "AtlantaGANarrativeSectionD.doc" and "NewYorkNYAttachmentSection\_M.pdf." Do not include spaces in the file names. Replace spaces with underscore marks.

(3) Summary and Rating Factor Narrative Files.

(a) In the Application Package, the form SF-424, "Application for Federal Assistance," should be completed first. Other Exhibits are part of the

Application Instructions that the applicant will download from Grants.gov, which are described in sections IV.B.5 through 6 and in the "Rating Factors," section V.A of this NOFA. The following instructions apply to those Narrative Exhibits.

(b) Each narrative file submitted must be formatted so it can be read by MS Word (including versions from MS Office 97 to 2007).

(c) Each Narrative Exhibit, for each Section of the application, should be contained in a separate file, as listed in section IV.A.3.d of this NOFA, directly below.

(d) Narrative Exhibit Title Pages. HUD will use title pages to identify each section of the application. Each Narrative Exhibit file should contain one title page as the first page of the file. This title page may be used as a Section Tab. Do not create title pages separately from the documents they go with. Provided the information on the title page is limited to the list in section (i) below, the title pages will not be counted when HUD determines the length of each Narrative Exhibit, or the overall length of the Narrative Exhibits.

(i) Each title page should contain only:

(A) The name of the Narrative Exhibit, as described in "File Names," Section IV.B.3.b.(2), above, e.g., "Narrative Exhibit B: Executive Summary";

(B) The name of the applicant; and

(C) The name of the file that contains the Narrative Exhibit.

(4) Narrative Files

(a) Each narrative file submitted must be formatted so it can be read by MS Word (from MS Office versions 97 to 2007).

(b) To be included in the application, each file must be entered into the Grants.gov "Project Narrative Attachment Form" located in the Mandatory Documents area of the "Grant Application Package."

(i) Project Narrative Attachment Form Instructions. After the form is open, enter the first file as the "Mandatory Project Narrative File." Add subsequent files, if any, as "Optional Project Narrative Files" by clicking on "Attach" in the Attachments window. The applicant may request clarification from HUD's contacts, as listed in section VII.B. of this NOFA.

(5) Attachment Files.

(a) In the Grants.gov Grant Application Package, certain form Attachments have been converted into documents for completion by the applicant on the screen. The applicant must simply fill these forms in and submit them. Other Attachments are part of Grants.gov Application

Instructions and are defined in this section IV of this NOFA. The following instructions apply to those Attachments.

(b) Each Attachment file must be formatted so it can be read by MS Word (.doc), MS Excel (.xls) or Adobe Acrobat (.pdf). See the 2008 General Section for format version specifications.

(c) Downloaded files, e.g., forms HUD-52861 and HUD-52825A, should be submitted in their original format.

(d) Existing and third-party documents, e.g., Main Street Plan, maps, and drawings, should be submitted in Adobe Acrobat (.pdf) format, or faxed using the HUD Facsimile Transmittal (HUD-96011) form. Note that HUD has a new fax number for 2008 applications. If facsimiles are submitted to the old number, they will not be matched to the application submission. See the 2008 General Section.

(e) You must complete these Attachments in stand-alone computer applications, such as MS Excel. To include these downloaded Attachments in the application, the applicant must enter each Attachment's file into the Grants.gov "Other Attachments Form," which is located in the Mandatory Documents area of the Grant Application Package.

(i) Other Attachments Form Instructions. After the form is open, enter the first file as the "Mandatory Other Attachment." Add subsequent files, if any, as "Optional Other Attachments" by clicking on "Attach" in the Attachments window. The applicant may request clarification from HUD's contacts, as listed in section VII.B. of this NOFA.

(6) THE ABOVE TITLE PAGE AND FILE NAME INSTRUCTIONS ARE EXTREMELY IMPORTANT. PARTS OF YOUR APPLICATION MAY BE MISSED OR PLACED IN YOUR APPLICATION UNDER THE WRONG TAB IF THE INSTRUCTIONS ARE NOT FOLLOWED.

c. Maximum Length of Application.

(1) There is no overall maximum application length. However, there are maximum page limits for specific parts of the application. Pages beyond the below listed limits will not be reviewed. Page limits are as follows:

(a) All of the Narrative Sections' responses together, including the Rating Factor responses, are limited to a maximum of 20 pages;

(b) The Program Schedule is limited to a maximum of one page;

(c) The Main Street Area Map, including identification of all project sites, is limited to a maximum of one page. The map may be hand-drawn, but must be approximately to scale and must be of sufficient quality to be

legible at 11" x 17" printed size. Computer-Aided Design software is not necessary;

(d) The representative affordable housing unit layout is limited to a maximum of one page; and

(e) Applicant Team Resumes are limited to a maximum of five pages. More than one resume may be placed on each page.

(2) Page Definition and Layout.

(a) A page is the electronic equivalent of an 8 1/2" x 11" paper page, with one-inch top, bottom, left, and right margins.

(b) For .doc files, a "page" contains a maximum of 23 double-spaced lines. The length of each line is limited to 6 1/2 inches. The font must be 12-point Times New Roman. Each page must be numbered. The page numbers may be within the bottom one inch of the page, e.g., in the footer area.

(c) Third-party and existing documents converted into PDF format may retain their original page layout. They must not be shrunk to fit more than one original page on each application page. These forms do not count toward any page limits. To add page numbers to PDF files using Adobe Acrobat 6, click on Document; Add Headers & Footers; Footer; Align Right; and Insert Page Number. Page numbers may also be added manually.

(d) Pages of HUD forms and certification formats furnished by HUD must remain as numbered by HUD. These forms do not count toward any page limits.

d. List of Application Sections and Related Documents.

(1) Summary Information:

(a) Section A: Application for Federal Assistance, form SF-424;

(b) Section B: Executive Summary;

(2) Rating Factor Responses:

(a) Section C: Rating Factor 1, Capacity, Narrative Response;

(b) Section D: Rating Factor 3, Readiness and Appropriateness of the Main Street affordable housing project, Narrative Response;

(c) Section E: Rating Factor 4, Program Administration and Fiscal Management, Narrative Response;

(d) Section F: Rating Factor 5, Incentive Criteria on Regulatory Barrier Removal (HUD Community Initiative (information required by form HUD-27300), Narrative Response);

(3) Attachments:

(a) Section G: Match and Readiness Certifications and Documents (Including the Section 3 Plan);

(b) Section H: Program Schedule;

(c) Section I: HOPE VI Main Street Application Data Sheet, form HUD-52861;

(d) Section J: HOPE VI Budget, form HUD-52825A;

(e) Section K: 5-Year Cash Flow Proforma;

(f) Section L: Map of Main Street Area;

(g) Section M: Site Plan and Typical Unit Layout;

(h) Section N: HUD Community Initiative, form HUD-27300 (Narrative includes explanation and background);

(i) Section O: Certification of Consistency with the RC/EZ/EC-Its Strategic Plan, form HUD-2990, if applicable;

(j) Section P: Program Outcome Logic Model, form HUD-96010 (including indicators, outcomes and related items obtained in accordance with Section VI.C of the 2008 General Section);

(k) Section Q: Code of Conduct (including distribution methodology);

(l) Section R: Applicant/Recipient Disclosure Report, form HUD-2880, ("HUD Applicant Recipient Disclosure Report" on Grants.gov) if applicable;

(m) Section S: Disclosure of Lobbying Activities, Standard Form LLL, if applicable;

(n) Section T: Affirmatively Furthering Fair Housing Statement;

(o) Section U: HUD-96011 Third Party Documentation Facsimile Transmittal ("Facsimile Transmittal Form" on Grants.gov) (to be used to transmit third-party documents as part of the electronic application, if applicable); and

(p) Section V: HUD-2994, You Are Our Client Grant Applicant Survey (optional).

4. Threshold Documentation (Sections Q and T). Threshold documentation requirements are limited to those stated in "Thresholds," section III.C.2, "Certification of Certain Thresholds," section III.C.3., of this NOFA, and "Conducting Business in Accordance with Core Values and Ethical Standards," in section III.C. of the 2008 General Section.

5. Summary and Attachment Documentation.

a. Executive Summary (Section B).

(1) Provide an Executive Summary. Describe the affordable housing plan in general terms. State whether: (1) The applicant has procured (or will procure) a Developer, (2) the applicant will act as its own Developer, or (3) the applicant will not use a Developer because the housing project is not complex enough to warrant one. Briefly describe:

(a) The type of housing, e.g., walk-up above retail space, detached house, etc.;

(b) The number of units and buildings;

(c) The description of the Main Street Area that surrounds the Main Street affordable housing project. Include the existing income mix, basic features

(such as restoration of streets), and a general description of mixed-use and non-housing Main Street rejuvenation components;

(d) The number of homeownership units in the proposal, if any;

(e) The amount of HOPE VI funds the applicant is requesting. (See section IV.E of this NOFA for funding limits); and

(f) A list of major non-HOPE VI funding resources for the Main Street affordable housing project and the Main Street Area rejuvenation effort as a whole.

b. Readiness (Site Control, Zoning, and Developer/Construction Agreement) (Sections D and G). See "Rating Factor Documentation," Section 6, below.

c. Program Schedule (Section H). The application requires a Program Schedule for the applicant's Project. The Program Schedule must reflect the Reasonable Time-Frame and Development Proposal time requirements stated in section VI.B of this NOFA.

d. HOPE VI Main Street Application Data Sheet, form HUD-52861, in MS Excel format (.xls) (Section I).

(1) This form consists of several Excel worksheets. Each worksheet requires information that is necessary for the applicant to meet thresholds, obtain rating points, or determine the maximum grant amount. Instructions for completing the data worksheets are located in the left-hand worksheet, with the tab name, "Instructions." The worksheets should be completed from the left-most tab toward the right. In this way, the information that the applicant provides will automatically be inserted to the right into other worksheets, as needed.

(2) Unit Mix. This worksheet will be HUD's primary source of information on the Main Street affordable housing project's unit number and type. This information also feeds into the calculations for maximum grant amount.

(3) Construction Sources and Uses. This worksheet contains the planned costs and funding resources that will exist during the construction period. That is, if a construction loan will be obtained, it would be included here along with other financing that will be expended during the construction and rent-up period, including grant funds used in construction. A permanent mortgage would not be included here.

(4) Permanent Sources and Uses. This worksheet contains the planned costs and long-term financing that will be used to develop the Main Street affordable housing project. Tax credit equity, permanent mortgages, grant funds that will be used in construction,

rent-up, Developer fee, etc., would be included here.

(5) Total Development Cost (TDC).

(a) The maximum amount of the grant must be based on HUD's published TDC per unit developed. See HUD's Notice PIH-2006-22 (HA), "Public Housing Development Cost Limits" and the attachment to Notice PIH-2007-19 (HA), which updates the TDC amounts. The Notice attachment can be found at <http://www.hud.gov/offices/adm/hudclips/notices/pih/07-19pih-Att.doc>. This is a large file and may take several minutes to open.

(b) HUD has developed TDCs for larger cities, metropolitan statistical areas and primary metropolitan statistical areas (MSA/PMSA), and some counties. HUD has not developed TDCs for all small, non-metropolitan cities and towns. Therefore, to find out of which county/parish or MSA/PMSA it is considered a part of, the applicant may have to contact its closest HUD Field Office.

(6) Match. In order to meet HOPE VI's statutory 5 percent match threshold, the applicant must enter match resource information in this worksheet. If a resource is not listed in this worksheet, the amount will not be included in HUD's calculation of match, and the application may be barred from rating, ranking, and award. (Note that the applicant must also provide a commitment letter for each match resource. See "match," section III.B of this NOFA.)

(a) For each of the applicant's match resources, the applicant must include in this form:

(i) The name of the entity providing the resource;

(ii) The name of a contact for the entity providing the resource who is familiar with the contribution toward this application;

(iii) The telephone number of a contact for the resource who is familiar with the contribution toward this application;

(iv) The match amount in dollars;

(v) Whether the match amount is cash or in-kind services; and

(vi) A letter from the entity that is furnishing the match, including items (i) through (v) above and signed by an authorized individual, stating that the match is firmly committed.

(vii) All columns, except the last, "Leverage Period More than 2 Years," must be completed.

(b) Match may only include resources to fund the Main Street affordable housing project, not the rest of the Main Street Area. The applicant must enter all match resource information in this worksheet. If a resource is not listed in

this worksheet, the amount will not be included in HUD's calculation of the match amount. (Note that the applicant must also provide a commitment letter for each match resource.)

(7) Leverage. Leverage is a HOPE VI program requirement of cash or in-kind services that have been firmly committed to the Main Street affordable housing project or the Main Street Area refurbishment effort.

(a) For each of the applicant's Leverage resources, the applicant must include in this form:

(i) The name of the entity providing the resource;

(ii) The name of a contact for the entity providing the resource who is familiar with the contribution toward this application;

(iii) The telephone number of a contact for the resource who is familiar with the contribution toward this application;

(iv) The Leverage amount on dollars;

(v) Whether the Leverage amount is cash or in-kind services;

(vi) A letter from the entity that is furnishing the Leverage, including items (i) through (v) above, signed by an authorized individual, stating that the Leverage is firmly committed, and

(vii) All columns, except the last, "Leverage Period More than 2 Years," must be filled in.

e. HOPE VI Budget (Section J). Enter the amount the applicant is requesting through this NOFA. Typically, HOPE VI assists PHAs. With the Main Street program, HOPE VI is assisting local governments. Because of this, the HOPE VI Budget form refers to PHAs instead of local governments. In "Part I: Summary," in the "PHA" space, enter the applicant's name as stated on the form SF-424. Also complete the column entitled, "Revised Overall HOPE VI Budget for All Project Phases." It is not necessary to fill in the other columns. In "Part II: Supporting Pages," in the "PHA" space, enter the applicant's name as stated on the form SF-424 and complete only columns two and three.

f. Cash Flow Proforma (Section K). The applicant must include a 5-year estimate of project income, expenses, and cash flow ("proforma") that shows that the project will be financially viable over the long term. The proforma should show the affordable rents for the period of the INITIAL occupancy and the affordable or market rents (set at the discretion of the grantee) for subsequent occupants. Note that initial funding of reserves with grant funds is NOT an allowable use of funds from this NOFA, e.g., a rental reserve to support initial affordable income. Reserves may be funded through Leverage resources.

g. Map of Main Street Area (Section L). The drawing must denote the boundaries of a Main Street Area and denote each housing site that is included in the applicant's project. The map should be grayscale for printing on a black-and-white printer. Boundaries and site(s) should be delineated with heavy black lines. The boundaries may include streets, highways, railroad tracks, etc., and natural boundaries such as streams, hills, and ravines, etc. The map may be hand-drawn and should be approximately to scale. The purpose of this drawing is to define the area where firmly committed Leverage resources that are included in the application have been, or will be, expended.

h. Site Plan and Typical Unit Layout (Section M). The applicant must include a drawing of the Main Street affordable housing project site plan and a typical unit layout. The drawings may be hand-drawn, should be approximately to scale, and should be in grayscale, for printing on a black-and-white printer. The purpose of these drawings is to determine if the building and unit configuration look feasible and fulfill generally acceptable housing standards. If there are several unit layouts, e.g., different size apartments, they may be shrunk to fit on one page, provided that the drawings are in PDF format.

i. America's Affordable Communities Initiative, form HUD-27300 (Narrative in Section F and form is Section N). See "Reviews and Selection Process," Section V.B. of the 2008 General Section.

j. Certification of Consistency with the RC/EZ/EC-II's Strategic Plan, form HUD-2990 (Section O). See "Rating Factor Documentation," below.

k. Logic Model (Section P). The applicant must complete the form HUD-96010, "Logic Model," in accordance with the "Logic Model Instructions in the 2008 General Section."

l. Affirmatively Furthering Fair Housing (Section T). Successful applicants engaged in housing or housing related activities are obliged to take reasonable steps toward affirmatively furthering fair housing (AFFH). Consistent with the 2008 General Section, applicants must provide a statement on AFFH in accordance with the 2008 General Section's instructions. Failure to include this statement will render the application ineligible for award.

6. Rating Factor Documentation.

a. Rating Factor 1—Capacity (Section C).

(1) Team Experience. This Rating Factor will be based upon the applicant's narrative description of the various types and extent of experience

that each of its Team members has accumulated. Information found in other Sections of the application that reflects on the Team's capacity also will be weighed for this Rating Factor. The stated experience will be reviewed to determine if the Team has successfully completed similar projects. It will also be reviewed to determine how similar those projects were to the activities that will be performed under a grant from this NOFA. At a bare minimum, the following should be included:

(a) A list and short description of affordable housing projects that the members of the applicant's Team have completed; and

(b) A list and short description of contracts or grants completed by the members of the applicant's Team for similar housing development or services.

(2) Key Personnel Knowledge. Key personnel are those Team members that must remain part of the Team in order for the Team to complete the activities required by a grant under this NOFA. As examples, key personnel may include the Developer if complex financing methods are necessary to complete the grant activities, the owner of the property that is going to be rehabilitated if it will remain in his possession, or an affordable housing intermediary that is going to manage the activities of other Team members. On the other hand, a specific accountant would not be key to grant completion. Knowledge may come from experience or from education. The quality and amount of knowledge that key personnel have will be weighed by this Rating Factor. As an example, short resumes would contain this type of information.

b. Rating Factor 2—Need for Affordable Housing. NO DOCUMENTATION IS NECESSARY FOR THIS RATING FACTOR.

(1) HUD reviewers will derive the need for affordable housing based on a comparison of HUD's Fair Market Rent (FMR) for the applicant's primary metropolitan statistical area/metropolitan statistical area (PMSA/MSA) or non-metropolitan county/parish and the maximum amount of rent that a very low-income family living in that PMSA/MSA or non-metropolitan county/parish can afford to pay. In performing the comparison, HUD will compare the FMR for a two-bedroom unit to the rent that would be paid by a three-person, very low-income family.

(2) PMSA/MSAs and non-metropolitan counties/parishes documentation on the FMRs are listed at <http://www.huduser.org/datasets/fmr.html>.

(3) The FMRs are listed at [http://www.huduser.org/intercept.asp?loc=/datasets/fmr/fmr2007P/FY2007P\\_ScheduleB.pdf](http://www.huduser.org/intercept.asp?loc=/datasets/fmr/fmr2007P/FY2007P_ScheduleB.pdf).

(4) The maximum, affordable very low-income rent is based on HUD's Income Limits, which can be obtained at [http://www.huduser.org/intercept.asp?loc=/datasets/il/il08/FY2008\\_Section8\\_IncomeLimits.pdf](http://www.huduser.org/intercept.asp?loc=/datasets/il/il08/FY2008_Section8_IncomeLimits.pdf) for very low-income families. The initial occupant must not pay more in rent than a public housing resident at a HOPE VI development, which is 30 percent of one-twelfth of the listed gross income limit for a very low-income family, adjusted for family size.

c. Rating Factor 3—Readiness and Appropriateness of the Main Street Affordable Housing Project (Narrative in Section D and documentation in Section G).

(1) Site Control, Zoning, and Developer/Construction Agreement.

(a) Evidence of Site Control should be included in the application's Readiness Attachment Exhibit:

(i) For site(s) that WILL NOT be conveyed to perform under a grant from this NOFA:

(A) A copy of the site's deed that shows ownership by the applicant or a Team member owner entity; or

(B) A certification signed by the applicant's Mayor, City Registrar, or other authorized city employee, stating that the applicant has the legal authority to perform the proposed and the required activities of a grant from this NOFA on the site(s).

(ii) For sites that WILL be conveyed in order to perform under a grant from this NOFA, the first page and execution page of the agreement, contract, sales contract, sales option, or other document that gives the applicant the legal authority to perform the proposed and required activities of a grant from this NOFA on the site(s).

(2) For Zoning, the application's Readiness Attachment Exhibit should include a certification from the appropriate local official, e.g., local government engineer, zoning/land-use official (not necessarily the Mayor), documenting that either:

(a) All required land-use approvals for developed and undeveloped land have been secured; or

(b) The request for such approval(s) is on the agenda for the next meeting of the appropriate authority in charge of land use, e.g., zoning board, city council. This document must include the date of the meeting.

(3) For Developer/Construction Agreement, the application's Readiness Attachment Exhibit should include one of the following:

(i) If an agreement/contract does not yet exist, a description in the Rating Factor Narrative of activities that the applicant Team has performed in order to obtain a Developer, construction manager, or construction contractor. These may include discussions, procurement processing, etc., that the applicant has completed. The description should also contain a description of the activities that have not been, and must be, completed to sign an agreement with such a Team member or contractor to perform the proposed and required grant activities. Note that in accordance with 24 CFR 50.3, the grantee must not enter into a binding agreement for choice-limiting actions until HUD completes an environmental review, i.e., there must be an agreement/contract clause allowing substitution of another property if the original property fails its environmental reviews.

(ii) If the applicant has entered into a binding contract before submitting an application for activities that may be partially funded by a grant from this NOFA, the applicant must state so in the application. Note that, prior to HUD's completion of its environmental review, funds from this NOFA must not be committed or used to fund construction activities that started under a binding contract that was executed before application submission. Such a contract must not include choice-limiting decisions, as described in (i) above.

(4) Leverage. The applicant must provide Leverage funds/in-kind services that are firmly committed to the Main Street rejuvenation effort. This Leverage may include Leverage specifically committed to development of the Main Street affordable housing project. This Leverage demonstrates statutorily required government and private-sector community support. Leverage does NOT need to be expended on affordable housing uses. Leverage may include infrastructure and other government expenditures that have occurred since the Main Street rejuvenation effort began. See "Definitions," Section I.D and "Program Requirements," Section III.C of this NOFA for more information about Leverage.

(a) To be counted as Leverage, the application must contain a letter from the Leverage resource. The letter must be in writing and signed by a person authorized to make the commitment, and must explicitly state:

(i) The amount of the Leverage; and  
(ii) That the Leverage has been or will be expended on the Main Street Area rejuvenation effort.

(b) To be counted as Leverage, the resource must also be included on pages 12 and 13 of the "HOPE VI Main Street Application Data Sheet," form HUD-52861. All columns, except the last, "Leverage Period More than 2 Years," must be filled in. No narrative discussion of Leverage is necessary.

(c) Funds/in-kind services that are included as match resources CANNOT be included in Leverage and should not be duplicated in Leverage documentation.

(5) Retention of Historic or Traditional Architecture. The Rating Factor Narrative Exhibit should include the age of, and restoration work being done to, facades that are part of the Main Street affordable housing project, along with other significant preservation or restoration that has taken place or is planned as part of the rest of the Main Street Area rejuvenation effort.

(6) Section 3. The Rating Factor Narrative Exhibit should contain a section 3 plan that must include (at a minimum) the general methods that the applicant will use to comply with implementing regulations at 24 CFR part 135, which require recipients of covered financial assistance to make efforts to direct training, employment, contracting, and other economic opportunities to section 3 residents and section 3 business concerns, e.g., low- and very low-income persons and the businesses that substantially employ these individuals. A Section 3 plan that exceeds this may contain more specific information, e.g., goals by age group, types of jobs, and other opportunities to be provided by the applicant, and plans for tracking and evaluation of goals. To include Logic Model section 3 information in the section 3 plan, the applicant should make reference to such information in the section 3 Narrative.

(7) Energy Star.

(a) The Rating Factor Narrative Exhibit should include examples of any of the following Energy Star activities that will be performed under a grant from this NOFA:

(i) It will use Energy Star-labeled products;

(ii) It will promote Energy Star design of affordable units; and

(iii) If the application includes the development of homeownership units, it will include Energy Star in required homeownership counseling.

(b) See the 2008 General Section, section VI.B.2.h on page 14901, as published in Volume 73 of the **Federal Register**.

d. Rating Factor 4—Program Administration and Fiscal Management (Section E).

(1) Documentation that demonstrates program administration and fiscal management MUST include a list of any findings issued or material weaknesses found by HUD or other federal or state agencies. If any of these exist, documentation must also include a description of how the applicant addressed the findings and/or weaknesses. If no findings or material weaknesses were exposed or existed on or before the publication date of this NOFA, include a statement to that effect in the narrative. HUD will consider this statement an applicant's certification of fact.

(2) Program Schedule (section E for methodology and section H for the schedule). The Program Schedule should contain all of the milestones stated in "Administrative Requirements," section VI.B of this NOFA. The Narrative Exhibit for this Rating Factor should describe the methodology used in developing the schedule, including the parties that were contacted and that contributed information to the applicant.

(3) Achieving Results and Program Evaluation: Logic Model (section E for the Narrative and section P for the form). The grantee will be required to submit: Quarterly reports to HUD using a HUD-developed, on-line data input system; and annual reports based on the Logic Model. The application's Rating Factor Narrative Exhibit should describe the method that the applicant will use to collect production information, other information that it states will be measured on through the Logic Model, and the type of computers and Internet access that the applicant Team possesses. Training on the Logic Model rating factor is archived on HUD's Web site. Documentation on creating the Logic Model and on the method used to rate it can be found at <http://www.hud.gov/offices/adm/grants/nofa08/elogicmodel.pdf> and through the Logic Model webcast at <http://www.hud.gov/webcasts/archives/supernofa08.cfm> under the title, "SuperNOFA Logic Model (Grantees), April 24, 2008." This Rating Factor measures the quality of the Logic Model, not the number of metrics measured. Rationale for inclusion of metrics should be addressed in the Narrative. Note that the inclusion of metrics that will be difficult or impossible to measure based upon the applicant's local conditions will not improve the rating of the Logic Model. A list of such exclusions may be included in the Logic Model Narrative section.

(4) Development, Financial, and Fiscal Management. The Rating Factor narrative should include identification

of the Team members, their positions in the Team, and the methods they will use to manage:

(a) General administration of the grant activities and reporting;

(b) Construction activities, including inspections;

(c) Leverage and match resources to guarantee fulfillment of commitments;

(d) Accounting and distribution of grant funds; and

(e) Local, state, and federal procurement requirements of the applicant government.

e. Rating Factor 5—Incentive Criteria on Regulatory Barrier Removal (Section F for Narrative and Section N for form).

(1) The applicant must include the completed form HUD-27300 in the application, along with background documentation where required by the form, in order to receive up to 2 policy priority points for removal of barriers to affordable housing. Please read the form's instructions carefully and see section V.B. of the 2008 General Section.

f. Rating Factor 6—RC/EZ/EC-IIs (Section O).

(1) To receive up to two bonus points for performing the NOFA activities in a RC/EZ/EC-II area, the applicant must complete, sign, and submit the "Certification of Consistency with RC/EZ/EC Strategic Plan" (form HUD-2990) as part of the application and meet the requirements of the 2008 General Section.

C. Submission Dates and Times.

1. Application deadline date.

Electronic applications must be received AND VALIDATED by Grants.gov by 11:59:59 p.m. eastern time on the application deadline date. If a waiver to the electronic submission is granted, paper copy applications must be received by the application deadline date. See the 2008 General Section and section IV.F. below.

2. No Facsimiles or Videos. HUD will not accept for review, evaluation, or funding any entire application sent by facsimile (fax). However, third-party documents or other materials sent by facsimile in compliance with the instructions under section IV. of the 2008 General Section, and that are received by the application deadline date, will be accepted. Also, videos submitted as part of an application will not be viewed. See the 2008 General Section for the new 2008 fax number.

D. Intergovernmental Review.

1. Executive Order 12372,

Intergovernmental Review of Federal Programs. Executive Order 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on state and local processes

for the coordination and review of federal financial assistance and direct federal development. HUD implementing regulations are published in 24 CFR part 52. The executive order allows each state to designate an entity to perform a state review function. The official listing of State Points of Contact (SPOCs) for this review process can be found at <http://www.whitehouse.gov/omb/grants/spoc.html>. States not listed on the Web site have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If the applicant's state has a SPOC, the applicant should contact it to see if it is interested in reviewing the application prior to submission to HUD. The applicant should allow ample time for this review process when developing and submitting the applications. If the applicant's state does not have a SPOC or if the SPOC elects not to review the application, the applicant may send applications directly to Grants.gov.

E. Funding Restrictions.

1. Grant funds must only be used to provide assistance to carry out eligible affordable housing activities, as stated in section III.C. of this NOFA.

2. HOPE VI funds may not be used to meet the match requirement.

3. Non-allowable Costs and Activities. Grant funds awarded through this NOFA must not be expended on:

a. Total demolition of a building (including where a building foundation is retained);

b. Sale or lease of the Main Street affordable housing project site, excluding:

(1) Long-term lease or transfer of title for the purposes of obtaining tax credits or implementation of extended use restrictions, provided that the recipient owner entity of the title or lease includes the applicant;

(2) Transfer of title from a private owner to the applicant for de minimus consideration, e.g., \$1.

(3) Acquisition of land or property for the purpose of developing, reconfiguring, or rehabilitating affordable housing units;

c. Funding of project reserves of any type;

d. Payment of the applicant's administrative costs (Certain staff costs are allowed, as stated in section III.C. of this NOFA);

e. Payment of any and all legal fees;

f. Development of public housing replacement units (defined as units that replace disposed of or demolished public housing);

g. Housing Choice Vouchers;

h. Transitional security activities;

i. Main Street technical assistance consultants or contracts; and

j. Costs incurred prior to grant award, including the cost of application preparation.

4. Cost Controls.

a. The total amount of HOPE VI funds expended shall not exceed the TDC for the total number of units in the project, as described in the application to this NOFA. TDC limits are published by HUD in Notice PIH 2007-19 (HA), "Public Housing Development Cost Limits." The TDC limits can be found through HUD's HUDclips Web site at <http://www.hud.gov/offices/adm/hudclips/index.cfm> or at <http://www.hud.gov/offices/adm/hudclips/notices/pih/07-19pih-Att.doc>. This information is also included as background data in form HUD-52861, "HOPE VI Main Street Application Data Sheet."

b. Cost Control Safe Harbors apply. Grantees must comply with HOPE VI Main Street Cost Control and Safe Harbor Standards, as follows:

(1) Developer Fee Safe Harbor. The HOPE VI Main Street Safe Harbor for the Developer fee is 9 percent or less of total Main Street affordable housing project costs that are funded by grant funds or Leverage funds included in the NOFA application (less the total amount of all reserve accounts and less the Developer fee, itself.) The maximum Developer fee is 12 percent of total Main Street affordable housing project costs that are funded by grant funds or Leverage funds included in the NOFA application. Any fee above the 9 percent safe harbor must be justified and approved by HUD in advance. Possible justifications for exceeding the 9 percent safe harbor include:

(a) Developer independently obtains project financing, including tax credits. The more sources of financing, the greater the justification for a higher Developer fee;

(b) Developer obtains site control from an entity other than the Grantee. The more sites acquired the greater the justification for a higher Developer fee;

(c) The project is complex (e.g., in financial, legal, environmental, and/or political terms.);

(d) The Developer bears more than 25 percent of the predevelopment costs;

(e) The Developer fee is deferred or paid out of positive cash flow from the project;

(f) The Developer guarantee(s) is for a large dollar amount in proportion to the project size and/or the guarantee(s) is for a long term.

(2) General Contractor Fee Safe Harbor. The HOPE VI Main Street Safe Harbor for the general contractor fee is as follows:

(a) General Requirements: 6 percent of hard-costs (including contingency and bond premium);

(b) Overhead: 2 percent of hard-costs plus general requirements;

(c) Profit: 6 percent of hard-costs, general requirements, and overhead;

(d) The maximum Safe Harbor for these combined costs is 14 percent, unless adequate justification is provided to HUD.

5. Community and Supportive Services ("CSS"). Furnishing CSS to residents is voluntary, except for homeownership counseling when the application includes development of homeownership units. If the applicant chooses to furnish CSS, expenditures are limited to 15 percent of the grant amount.

6. Statutory time limit for award, obligation, and expenditure.

a. The estimated award date will be 32 days after the application deadline date for this NOFA. Grant from this NOFA must be awarded on or before September 30, 2008.

b. Funds available through this NOFA must be obligated on or before September 30, 2008.

c. In accordance with 31 U.S.C. 1552 (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 935; Pub. L. 101-510, div. A, title XIV, Sec. 1405(a)(1), Nov. 5, 1990, 104 Stat. 1676), all HOPE VI funds that were appropriated in FY 2008 must be expended by September 30, 2013. Any funds that are not expended by these dates will be cancelled and recaptured by the United States Treasury, and thereafter will not be available for obligation or expenditure for any purpose.

7. Withdrawal of Funding. If a grantee under this NOFA does not proceed within a reasonable time frame (in accordance with Section VI. of this NOFA), HUD retains the right to unilaterally withdraw any grant amounts that have not been obligated by the grantee. Unless these funds must return to the U.S. Treasury, HUD shall redistribute any withdrawn amounts to one or more other applicants eligible for assistance under the HOPE VI program.

8. Transfer of Funds. HUD has the discretion to transfer funds available through this NOFA to any other HOPE VI program.

9. Limitation on Eligible Expenditures. Expenditures on services, equipment, and physical improvements must directly relate to project activities allowed through this NOFA.

10. Pre-Award Activities. Award funds shall not be used to reimburse expenses incurred before the award date.

## F. Other Submission Requirements

1. Application Submission and Receipt Procedures. See sections IV.B. and F. of the 2008 General Section.

2. Timely Receipt Requirements and Proof of Timely Submission.

a. Electronic Submission. All electronic applications must be received AND VALIDATED by *Grants.gov* by 11:59:59 p.m. eastern time on or before the deadline date established for this NOFA. See Sections IV.B. and F. of the 2008 General Section. Applicants are advised to submit their applications at least 24 to 48 hours in advance of the deadline date and when the *Grants.gov* help desk is open so that any issues can be addressed prior to the deadline date and time. PLEASE NOTE THAT VALIDATION MAY TAKE UP TO 48 HOURS. In this way, if the application is rejected for some reason, the applicant will have sufficient time to learn what caused the rejection and to resubmit the application prior to the deadline. Note that it is important to ensure that the applicant's email is correct during registration or has been updated during annual re-registration. If the email is not correct, the applicant will not receive notification of rejection from *Grants.gov*.

b. Applications Receiving Waivers to Submit a Paper Copy Application.

(1) Requests for HUD to waive the requirement that NOFA applications be submitted electronically must be made in writing to: Department of Housing and Urban Development, Office of Public Housing Investments, Attention: Susan Wilson, Director, 451 Seventh Street, SW., Washington, DC 20410-5000.

(2) Waiver requests must include justification explaining why the application cannot be submitted electronically, and must be submitted no later than 15 days prior to the application deadline date.

(3) See section IV. of the 2008 General Section for additional information about waivers.

(4) Applicants granted a waiver of the electronic submission requirement must submit their applications, in their entirety, to the applicable HUD office by the application deadline date. Written notification of waiver approval will include information on mailing instructions and timely receipt of the application by HUD. HUD will not accept a paper application without a waiver being granted.

c. No Facsimiles of Entire Application. HUD will not accept fax transmissions as a paper copy application when a waiver to electronic application has been granted. Paper

applications must be complete and submitted, in their entirety, on or before the application deadline date.

3. 2008 General Section References. Section IV of the 2008 General Section is hereby incorporated by reference.

## V. Application Review Information

### A. Selection Criteria (Rating Factors).

1. Rating Factor 1—Capacity (Section C) (up to 25 points). This factor addresses whether the applicant Team has the capacity and organizational resources necessary to implement successfully the proposed activities within the grant period. Please do not include the Social Security Number of any Team member.

#### a. Past Experience (up to 15 points).

(1) The applicant will earn a maximum of 15 points if the applicant demonstrates that the applicant's Team has extensive experience of affordable housing development and historic preservation requirements; that is, that the applicant's Team has developed or rehabilitated housing projects, including BOTH affordable housing projects and National Register for Historic Preservation (NRHP) or traditional architecture projects over the past 3 years.

(2) The applicant will earn a maximum of 10 points if the applicant demonstrates that the applicant's Team has superior experience of affordable housing development and historic preservation requirements; that is, that the applicant's Team has developed or rehabilitated housing projects, including EITHER affordable housing projects OR NRHP or traditional architecture projects over the past 3 years.

(3) The applicant will earn a maximum of 5 points if the applicant demonstrates that the applicant Team has adequate experience in housing development; that is, that the applicant's Team has developed or rehabilitated more than one housing project over the past 3 years.

(4) The applicant will earn a maximum of 0 points if the applicant cannot demonstrate that its Team has at least adequate experience in housing development.

#### b. Knowledge of Key Personnel (up to 10 points).

(1) The applicant will earn a maximum of 10 points if the applicant demonstrates that its key personnel have extensive knowledge in the development or rehabilitation of housing projects, including BOTH affordable housing projects AND NRHP or traditional architecture projects.

(2) The applicant will earn a maximum of 5 points if the applicant demonstrates that the applicant Team's

key personnel have adequate knowledge in the development or rehabilitation of housing projects, including EITHER affordable housing projects OR NRHP or traditional architecture projects.

(3) The applicant will earn a maximum of 0 points if the applicant cannot demonstrate that its key personnel have adequate knowledge in the development or rehabilitation of housing projects.

#### 2. Rating Factor 2—Need for Affordable Housing (up to 10 points).

a. For the applicant's PMSA/MSA or non-metropolitan county/parish, if the ratio of the maximum affordable rent for a three-person very low-income family to the FMR of a two-bedroom size unit (affordable rent divided by FMR) is equal to or less than 0.9, the applicant will receive 10 points. Affordable rent is 30 percent of the Income Limit for a very low-income family, divided by 12 (months per year).

b. For the applicant's PMSA/MSA or non-metropolitan county/parish, if the ratio of the maximum affordable rent for a three-person, very low-income family to the FMR of a two-bedroom size unit (affordable rent divided by FMR) is greater than 0.9, but less than or equal to 1.2, the applicant will receive 5 points. Affordable rent is 30 percent of the Income Limit for a very low-income family, divided by 12 (months per year).

c. For the applicant's PMSA/MSA or non-metropolitan county/parish, if the ratio of the maximum affordable rent for a 3-person very low-income family to the FMR of a two-bedroom size unit (affordable rent divided by FMR) is greater than 1.2, the applicant will receive 0 points. Affordable rent is 30 percent of the Income Limit for a very low-income family, divided by 12 (months per year).

#### 3. Rating Factor 3—Readiness and Appropriateness of the Main Street affordable housing project (Sections D, G and I) (up to 48 points).

##### a. Appropriateness and Feasibility of the Main Street Affordable Housing Project (up to 10 points).

(1) You will receive 10 points if the application demonstrates the following about the Main Street affordable housing project:

(a) It is appropriate and suitable, in the context of the community and other affordable housing options, e.g., rehabilitation versus new construction;

(b) Fulfills the needs of the Main Street Area rejuvenation effort;

(c) Is marketable, in the context of local conditions;

(d) If the affordable housing units that will be developed under a grant from this NOFA are not a separable part of a larger development effort, and the

applicant includes market-rate housing or retail structures in that larger development, the applicant must provide a signed letter from an independent, third-party, market research firm or real estate professional that describes its assessment of the demand and associated pricing structure for the proposed residential units and retail structures, based on the market and economic conditions of the Main Street Area;

(e) Is financially feasible, as demonstrated in the proforma and financial exhibits proposed in the application;

(f) Describes the cost controls that will be used in implementing the project, in accordance with the Funding Restrictions and Program Requirements sections of this NOFA; and

(g) Includes a completed TDC/Grant Limitations Worksheet in the application and follows the Funding Restrictions and Program Requirements sections of this NOFA.

(2) You will receive 5 points if the application demonstrates at least 4 of the criteria above.

(3) You will receive 0 points if the application does not demonstrate the criteria above or the application does not provide sufficient information to evaluate this factor.

##### b. Promotion and Marketing (2 Points).

(1) The applicant will receive 2 points if the application sets forth a plan to promote and market the Main Street Area rejuvenation effort to financiers, to other parties that may be involved in the rejuvenation effort, and to possible future residents of the Main Street affordable housing project, including (in accordance with affirmative fair housing marketing requirements) the population that is least likely to apply.

(2) The applicant will receive 0 points if the application does not include a discussion of promotion or marketing of the Main Street Area rejuvenation effort.

##### c. Readiness (Site Control, Zoning, and Developer/Construction Agreement) (up to 13 points).

(1) In order to perform the activities required under a grant from this NOFA, the applicant must:

(a) Have obtained site control of the Main Street affordable housing project site(s). (Note that an applicant that does not have site control prior to HUD's receipt of the application must not acquire title to any sites until completion of the HUD environmental review. In addition, any purchase option entered into after HUD receipt of the application must be contingent upon notification from HUD that the property is acceptable, following a HUD

environmental review, and the cost of the option must be no more than a nominal portion of the purchase price);

(b) Have received local zoning approval that allows residential use of the Main Street affordable housing project site(s); and

(c) Have either:

(i) Begun discussions toward execution of an agreement or contract with a Developer, construction manager, or construction company to develop the Main Street affordable housing project. (Note that under 24 CFR 50.3, the grantee must not enter into a binding agreement for choice-limiting actions until HUD completes an environmental review); or

(ii) Had such a contract in place, before application submission, to develop affordable housing that may be partially funded by this NOFA. (Note that, prior to HUD's completion of its environmental review, funds from this NOFA must not be committed or used to fund construction activities that started under a binding contract that was executed before application submission).

(2) Scoring:

(a) The applicant will receive 13 points if the application includes documentation demonstrating that (a), (b), and (c), above, have occurred.

(b) The applicant will receive 8 points if the application includes documentation demonstrating that any two of (a), (b), or (c), above, have occurred.

(c) The applicant will receive 4 points if the application includes documentation demonstrating that only one of (a), (b), or (c), above, has occurred.

(d) The applicant will receive 0 points if the application does not include documentation demonstrating that either (a), (b), or (c), above, have occurred.

d. Main Street Area Rejuvenation Leverage (up to 15 points).

Main Street Area Leverage includes Leverage used for activities related to the Main Street Area rejuvenation effort as a whole, along with Leverage that will be used directly for allowable activities in the development of the Main Street affordable housing project.

(1) The applicant must provide Leverage funds/in-kind services that are firmly committed to the Main Street rejuvenation effort as a whole, including Leverage specifically committed to development of the Main Street affordable housing project. This Leverage demonstrates government and private-sector community support for the Main Street Area rejuvenation effort.

(2) Match is NOT included in Leverage. Match is a separate, statutorily required contribution of funds. If a resource is listed as Leverage in the "HOPE VI Main Street Application Data Sheet," form HUD-52861, that is included in the application, HUD will not count that resource as match.

(3) Points are assigned based on the following scale, as a percent of the requested grant amount:

Leverage as percent of grant amount	Points awarded
Less than 75 percent of the requested grant amount.	0
Greater than or equal to 75 percent but less than 150 percent.	5
Greater than or equal to 150 percent but less than 225 percent.	10
225 percent or more .....	15

e. Retention of Historic or Traditional Architecture (up to 6 points).

(1) The applicant will receive 6 points if the application demonstrates that the buildings in the project will maintain all of the historic or traditional architecture and design features on all floors of the buildings.

(2) The applicant will receive 3 points if the application demonstrates that the buildings in the project will retain some of the historic or traditional architecture and design features on some or all of the floors of the buildings.

(3) The applicant will receive 0 points if the application does not demonstrate that the buildings in the project will retain historic or traditional architecture and design features.

f. Economic Opportunities for Low- and Very-Low-Income Persons (Provision of Section 3) (up to 2 points).

(1) HOPE VI grantees must comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) "Economic Opportunities for Low- and Very-Low-Income Persons in Connection with Assisted Projects," and its implementing regulations at 24 CFR 135.32, "Responsibilities of the recipient," which can be found through [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=886c710f53cf6d57a3105562b760fdb0&tpl=/ecfrbrowse/Title24/24cfr135\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=886c710f53cf6d57a3105562b760fdb0&tpl=/ecfrbrowse/Title24/24cfr135_main_02.tpl) and are hereby included in this NOFA by reference. One of the purposes of the assistance is to give, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, job training, employment, contracting, and other economic opportunities to section 3 residents and section 3 business concerns.

(2) Scoring:

(a) The applicant will receive 2 points if the application includes a feasible plan to implement section 3 that not only meets the above referenced minimum requirements, but also exceeds those requirements.

(b) The applicant will receive 1 point if the application includes a feasible plan to implement section 3 that meets the above referenced minimum requirements.

(3) The applicant will receive 0 points if the application does not include a feasible plan to implement Section 3 that meets the minimum referenced requirements.

4. Rating Factor 4—Program Administration and Fiscal Management (Sections E, G, H, and P) (up to 15 points).

a. Program Schedule (up to 5 points).

(1) The applicant may receive a maximum of 5 points if the applicant demonstrates that the milestones in the Program Schedule are realistic and achievable; that is, that the application demonstrates that the applicant has performed the following actions and, where applicable, has obtained information that was used in developing the Program Schedule:

(a) Contacted the State Historic Preservation Officer, the local HUD Field Office, architects, materials suppliers, and other parties that milestones depend upon, to ensure that the milestones can reasonably be met;

(b) Checked to see if any litigation or court orders exist that will affect the milestones; and

(c) Prepared a chart that states the estimated production milestones, their relative time frames, and each milestone's time to completion, e.g., in a Gantt Chart.

(2) The applicant may receive a maximum of 3 points if the applicant has performed two of the three actions in (a) through (c) above and, where applicable, has obtained information that was used in developing the Program Schedule.

(3) The applicant will receive 0 points if the applicant has not performed at least two of the three actions in (a) through (c) above.

b. Achieving Results and Program Evaluation: Logic Model (up to 2 points).

(a) The final Development Proposal for housing development performed through a grant from this NOFA is required 9 months after grant award, and, until that time, the detailed specifics of measurement through the Logic Model cannot be known. Because of this, contrary to the 2008 General Section, the Logic Model can earn a maximum of 2 points for evaluation of

applications for this NOFA. The matrix provided in Attachment 1 of the 2008 General Section identifies how the Logic Model will be rated. The points earned by the Logic Model apply to this Rating Factor as follows:

(i) If the matrix demonstrates that the Logic Model has earned from 7 to 10 points, the applicant will receive 2 points for this rating factor;

(ii) If the matrix demonstrates that the Logic Model has earned from 3 to 6 points, the applicant will receive 1 point for this rating factor;

(iii) If the matrix demonstrates that the Logic Model has earned from 0 to 2 points, the applicant will receive 0 points for this rating factor.

c. Development and Fiscal Management (up to 8 points).

(1) Development and fiscal management includes management of the grant in general (administration and reporting), the construction activities, receipt of financial commitments, accounting and distribution of grant funds, and government procurement activities.

(2) If the applicant demonstrates management controls that are adequate to manage a grant from this NOFA for all of the above areas, the applicant will receive 8 points.

(3) If the applicant demonstrates management controls that are adequate to manage a grant from this NOFA for some of the above areas, the applicant will receive 4 points.

(4) If the applicant does not demonstrate management controls that are adequate to manage a grant from this NOFA, the applicant will receive 0 points.

5. Rating Factor 5—Incentive Criteria on Regulatory Barrier Removal (Sections F and N) (up to 2 points).

a. Description.

(1) HUD's Notice, "America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's FY 2004 Competitive Funding Allocations," **Federal Register** Docket Number FR-4882-N-03, published on March 22, 2004, provides that most HUD competitive NOFAs will include an incentive for local and state governments to decrease their regulatory barriers to the development of affordable housing.

(2) Form HUD-27300 contains questions that explore the applicant's efforts to decrease regulatory barriers.

b. Scoring.

(1) If the applicant is considered a local unit of government with land use and building regulatory authority, an agency or department of a local unit of

government, or other eligible applicant applying for funding through this NOFA, the applicant should answer the 20 questions in Part A of form HUD-27300. For those applications in which regulatory authority is split between jurisdictions (e.g., county/parish and town), the applicant should answer the question for the jurisdiction that has regulatory authority over the issue at question.

(a) If the applicant checked Column 2 for five to ten questions from Part A, the applicant will receive 1 point in the NOFA evaluation.

(b) If the applicant checked Column 2 for 11 or more questions from Part A, the applicant will receive 2 points in the NOFA evaluation.

(2) Part B of the form is for an applicant that is a state government or an agency or department of a state government. State governments are not units of local government and are not eligible to apply for funds through this NOFA. The questions in Part B should not be answered.

(3) To receive the points for this policy priority, an applicant must submit the documentation requested in the questionnaire or provide a Web site address (URL) where the documentation can be readily found. See section IV. of the 2008 General Section for documentation requirements.

6. Bonus Points: RC/EZ/EC-II (Section O) (up to 2 points).

a. RC/EZ/EC-IIs. This NOFA provides for the award of two bonus points for eligible activities/projects that the applicant proposes to locate in federally designated Empowerment Zones (EZs), Renewal Communities (RCs), or Enterprise Communities, designated by the U.S. Department of Agriculture in round II (EC-IIs), that are intended to serve the residents of these areas, and that are certified to be consistent with the area's strategic plan or RC Tax Incentive Utilization Plan (TIUP). (For ease of reference in this notice, all of the federally designated areas are collectively referred to as "RC/EZ/EC-IIs" and residents of any of these federally designated areas as "RC/EZ/EC-II residents.") This NOFA contains a certification, "Certification of Consistency with RC/EZ/EC Strategic Plan" (form HUD-2990), that must be completed for the applicant to be considered for RC/EZ/EC-II bonus points. A list of RC/EZ/EC-IIs can be obtained from HUD's Web page at <http://www.hud.gov/cr>. Applicants can determine if their program/project activities are located in one of these designated areas by using the locator on HUD's Web site at <http://www.hud.gov/crlocator>.

B. Review and Selection Process.

1. HUD's selection process is designed to ensure that grants are awarded to eligible local governments with the most meritorious applications.

2. Application Screening.

a. HUD will screen each application to determine if:

(1) It meets the threshold criteria listed in section III.C. of this NOFA; and

(2) It is deficient, i.e., contains any technical deficiencies.

b. Corrections to Deficient Applications. The subsection entitled, "Corrections to Deficient Applications," in Section V.B. of the 2008 General Section applies, except for the following: Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within three (3) Federal Work Days of the date of receipt of HUD notification. HUD will notify the applicant via the e-mail addresses stated in the "Application for Federal Assistance," Standard Form-424, and will request that any clarifying documentation be scanned into PDF format and emailed back to HUD. Note the importance of including the correct e-mails in the SF-424.

c. Applications that will not be rated or ranked.

(1) HUD will not rate or rank applications that are deficient at the end of a three (3) Federal Work Day cure period, as described in Section V.B.2.b. above and the 2008 General Section. Such applications will not be eligible for funding.

(2) HUD will not rate or rank applications that have not met the thresholds described in Section III.C. of this NOFA. Such applications will not be eligible for funding.

3. Preliminary Rating and Ranking.

a. Rating.

(1) HUD staff will preliminarily rate each eligible application, SOLELY on the basis of the Rating Factors described in section V.A. of this NOFA.

(2) When rating applications, HUD reviewers will not use any information included in any application submitted for another NOFA.

(3) HUD will assign a preliminary score for each Rating Factor and a preliminary total score for each eligible application.

(4) The maximum number of points for each application is 100, plus a possible 2 RC/EZ/EC-II bonus points.

(5) Minimum Score. Applications that do not have a preliminary score of at least 50 points will not be eligible for funding.

b. Ranking.

(1) After preliminary review, applications with a minimum score of

50 or above will be ranked in score order.

4. Final Panel Review.

a. A Final Review Panel made up of HUD staff will:

(1) Review the Preliminary Rating and Ranking documentation to:

(a) Ensure that any inconsistencies between preliminary reviewers have been identified and rectified; and

(b) Ensure that the Preliminary Rating and Ranking documentation accurately reflects the contents of the application.

(2) Assign a final score to each application; and

(3) Recommend for selection the most highly rated applications, subject to the amount of available funding, described in section II. of this NOFA.

5. HUD reserves the right to make reductions in funding for any ineligible items included in an applicant's proposal in the application's Sources and Uses' HOPE VI column, or HOPE VI budget.

6. In accordance with the FY 2008 HOPE VI appropriation, HUD may not use HOPE VI funds, including HOPE VI Main Street funds, to grant competitive advantage in awards to settle litigation or pay judgments.

7. Tie Scores. If two or more applications have the same score and there are insufficient funds to select all of them, HUD will select for funding the application(s) with the highest score for the Capacity Rating Factor. If a tie remains, HUD will select for funding the application(s) with the highest score for the Readiness (Site Control, Zoning, and Developer/Construction Agreement) Rating Subfactor. HUD will select further tied applications with the highest score for the Program Administration and Fiscal Management Rating Factor.

8. Remaining Funds.

a. HUD reserves the right to reallocate remaining funds from this NOFA to other eligible activities under section 24 of the Act.

(1) If the total amount of funds requested by all applications found eligible for funding under section V.B. of this NOFA is less than the amount of funds available from this NOFA, all eligible applications will be funded and those funds in excess of the total requested amount will be considered remaining funds.

(2) If the total amount of funds requested by all applications found eligible for funding under section V.B. of this NOFA is greater than the amount of funds available from this NOFA, eligible applications will be funded until the amount of non-awarded funds is less than the amount required to fund feasibly the next eligible application. In

this case, the funds that have not been awarded will be considered remaining funds.

9. The following subsections of section V. of the 2008 General Section are hereby incorporated by reference:

- a. HUD's Strategic Goals;
- b. Policy Priorities;
- c. Threshold Compliance;
- d. Corrections to Deficient Applications;
- e. Rating; and
- f. Ranking.

**VI. Award Administration Information**

A. Award Notices.

1. Initial Announcement. The HUD Reform Act prohibits HUD from notifying the applicant as to whether or not the applicant has been selected to receive a grant until HUD has announced all grant recipients. If the application has been found to be ineligible or if it did not receive enough points to be funded, the applicant will not be notified until the successful applicants have been notified. HUD will provide email notification to all eligible applicants, whether or not they have been selected for funding.

2. Obligating Document. The "Assistance Award/Amendment," form HUD-1044, signed first by the grantee and then by the Assistant Secretary for Public and Indian Housing (grants officer) is the obligating document. This fully executed form will be delivered via the United States Postal Service to the applicant's authorized signatory at the applicant's address, as stated on the form SF-424.

3. 2008 General Section References. Section VI. of the 2008 General Section is hereby incorporated by reference.

B. Administrative and National Policy Requirements.

1. Administrative Requirements.

a. Grant Agreement Execution. The grantee must execute the Grant Agreement within 30 days after HUD emails the Grant Agreement to the grantee.

b. Grant term. The time period for completion shall not exceed 30 months from the date the "Assistance Award/Amendment," form HUD-1044, is executed by HUD.

c. Sub-Grants and Contracts. Grant funds may be expended directly by the applicant or they may be granted or loaned by the applicant to a third-party procured Developer, Construction Manager, or Construction Contractor who is undertaking the development of the Project.

d. Reasonable Time Frame. Grantees must proceed within a reasonable time frame to complete the following milestone activities:

(1) Development Proposal. Grantees must submit a development proposal for the project within 12 months after the grant award date.

(a) Development proposals must include the following documents and information:

(i) Completed HUD Environmental Review, including the State Historic Preservation Officer approval, in accordance with 24 CFR part 50;

(ii) Identification of parties to the project development;

(iii) Activities and relationships of parties, e.g., Party A will loan \$50,000 to Party C via a hard loan with an interest rate of 6 percent, with a 30-year amortization and a 15-year term;

(iv) Financing, i.e., sources and uses in the form HUD-52861 format;

(v) Unit description, i.e., unit number and sizes;

(vi) Site locations, i.e., lot and block, street address, or legal description;

(vii) Development construction cost estimate; and

(viii) Certification that open competition has been or will be used by the grantee to select a development partner and/or owner entity, if applicable.

(2) First Construction Start. Grantees must start housing unit construction within 18 months after grant award date.

(3) Last Construction Completion. Grantees must complete construction, and obtain a Certificate of Occupancy if such is required in the local government's jurisdiction, on a number and mix of units that accounts for an amount of TDC equal to, or greater than, the amount of the grant (TDC Units), within 30 months from the grant award date.

(4) In determining reasonableness of such time frame, noted in the paragraph above, HUD will take into consideration those delays caused by factors beyond the applicant's control.

(5) In accordance with the threshold requirement in section III.C. of this NOFA and the threshold documentation in section IV.B. of this NOFA, the above time frames must be stated in a Program Schedule that includes the following milestones, at a minimum:

(a) Grant Award Date (assume September 30, 2008);

(b) Grant Agreement Execution Date. The Grant Agreement will be e-mailed to the grantee after notice of award. (assume grantee receipt of the Grant Agreement within 30 days after the award date) The grantee will be given a maximum of 30 days to execute the Agreement);

(c) Development Plan Submission Date;

(d) Date of closing of financing of the first phase. If the applicant plans not to have a financial closing, it must state so in the Schedule;

(e) Date of the start of construction of the first housing unit, or obligation of grant funds if the targeted housing units are in a larger development; and

(f) Date of the completion of construction of the last TDC Unit, and date of receipt of its Certificate of Occupancy if such is required in the local government's jurisdiction.

e. Preliminary Environmental Approval Only. HUD's notification of award to a selected applicant constitutes a preliminary approval by HUD, subject to the completion of an environmental review of the proposed sites in accordance with 24 CFR part 50. See section III.C. of this NOFA for information about environmental requirements.

f. Flood Insurance. In accordance with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128), the application may not propose to provide financial assistance for acquisition or construction (including rehabilitation) of properties located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79) or less than one year has passed since FEMA notification regarding such hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance is obtained as a condition of execution of a Grant Agreement.

g. Coastal Barrier Resources Act. In accordance with the Coastal Barrier Resources Act (16 U.S.C. 3501), the application may not target properties in the Coastal Barrier Resources System.

h. Information for Research and Evaluation Studies. As a condition of the receipt of financial assistance under a HUD Program NOFA, all successful applicants will be required to cooperate with all HUD staff or contractors performing HUD-funded research and evaluation studies.

i. Final Audit. Grantees are required to obtain a complete final closeout audit of the grantee financial statements for the grant funds. The audit must be completed by a certified public accountant (CPA) in accordance with generally accepted government audit standards, if the Grantee expends \$500,000 or more in a calendar or program year. A written report of the audit must be forwarded to HUD within 60 days of issuance. Grant recipients

must comply with the requirements of 24 CFR part 84 or 24 CFR part 85 as stated in OMB Circulars A-110, A-87, and A-122, as applicable.

#### 2. National Policy Requirements.

a. See references to the 2008 General Section in section III. of this NOFA.

#### C. Reporting.

1. Quarterly Administrative and Compliance Checkpoints Report (Quarterly Report).

a. If the applicant is selected for funding, the applicant must submit a Main Street Quarterly Report to HUD. The report will be completed on-line. The Grantee will enter into the Quarterly Progress Report:

(1) On a quarterly basis:

(a) Administrative and production milestones, called "Checkpoints;"

(b) Financial status, by Budget Line Item as listed on form HUD-52825-A, "HOPE VI Budget," including the grant budget, amounts authorized by HUD for expenditure, and amounts expended to date; and

(c) A short status narrative.

(2) On an annual basis, the total real estate tax assessment for the census tract that includes the Main Street Area and the total real estate tax assessment for the entire local government's jurisdiction.

b. HUD will provide training and technical assistance on the filing and submitting of Main Street Quarterly Progress Reports.

c. Filing of Quarterly Progress Reports is mandatory for all grantees, and failure to do so within the required quarterly time frame will result in suspension of grant funds until the report is filed and approved by HUD.

d. Grantees will be held to the milestones that are reported in the Quarterly Progress Report, as approved by HUD.

2. LOCCS. On a quarterly basis, grantees must report all obligations and expenditures in HUD's Line of Credit Control System (LOCCS), or its successor system.

3. Logic Model Reporting. The grantee's Logic Model will be based upon the Logic Model included in the application or negotiated with HUD after grant award. Provided that the Logic Model complies with the requirements of this NOFA, the 2008 General Section, and the Grant Agreement, HUD will approve the Logic Model's outputs and outcomes at the time of approval of the Development Proposal. Beginning after HUD approval, at a minimum, the grantee will be required to submit a completed Logic Model showing outputs and outcomes achieved annually. See Logic

Model reporting in the 2008 General Section.

#### 4. Final Report.

a. Within 30 days after the grantee obtains the results of the Final Audit, the grantee shall submit a final report. The final report will include a financial report, a narrative evaluating overall performance against its HOPE VI Main Street application and Main Street Quarterly Progress Report, and a completed Logic Model (form HUD-96010), including responses to the management questions. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in its application. For FY2008, HUD is considering a new concept for the Logic Model. The new concept is a Return on Investment (ROI) statement. HUD will be publishing a separate notice on the Return on Investment (ROI) concept. The financial report shall contain a summary of all expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances.

b. The final narrative, financial report, and closeout documentation, as required by HUD, and the Logic Model shall be due to HUD 90 days after either the TDC units have been completed, or when the grant term expires, whichever comes first.

c. Racial and Ethnic Data. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the OMB Standards for the Collection of Racial and Ethnic Data. In view of these requirements, the applicant should use form HUD-27061, Racial and Ethnic Data Reporting Form (instructions for its use), found on <http://www.HUDclips.org>; a comparable program form; or a comparable electronic data system.

### VII. Agency Contacts

A. Technical Corrections to the NOFA.

1. Technical corrections to this NOFA will be posted to the Grants.gov Web site and at <http://www.hud.gov/offices/pih/programs/ph/hope6/grants/fy08/index.cfm> (unofficial copy).

2. Any technical corrections will also be published in the **Federal Register** and at the above link.

3. The applicant is responsible for monitoring Grants.gov and the **Federal Register** during the application preparation period. Applicants may sign up for the Grants.gov notification service. Applicants signed up for the service will receive notification from Grants.gov if HUD issues any modifications to the NOFA, application package, or application instructions.

B. Technical Assistance. Before the application deadline date, HUD staff will be available to provide the applicant with general guidance and technical assistance on this NOFA. However, HUD staff is not permitted to assist in preparing the application. If the applicant has a question or needs clarification, the applicant may call Lawrence Gnessin at (202) 402-2676, may send an e-mail to [lawrence.gnessin@hud.gov](mailto:lawrence.gnessin@hud.gov), or may contact Ms. Dominique Blom, Deputy Assistant Secretary for Public Housing Investments, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4130, Washington, DC 20410-5000; telephone (202) 401-8812; fax (202) 401-2370 (these are not toll-free numbers). Persons with hearing and/or speech impairments may access these telephone numbers via text telephone (TTY) by calling the toll-free Federal Information Relay Service at (800) 877-8339. For technical support about downloading an application, registering with Grants.gov, and submitting an application, please call Grants.gov Customer Support at (800) 518-GRANTS ((800) 518-4726) (this is a toll-free number) or e-mail Grants.gov at [support@grants.gov](mailto:support@grants.gov).

C. General Information. General information specifically about HUD's HOPE VI Main Street program can be

found on the Internet at <http://www.hud.gov/offices/pih/programs/ph/hope6/grants/mainstreet/>. General information about all of HUD's HOPE VI programs can be found on the Internet at <http://www.hud.gov/offices/pih/programs/ph/hope6/>.

#### VIII. Other Information

A. 2008 General Section References. The following subsections of section VIII. of the 2008 General Section are hereby incorporated by reference:

1. Executive Order 13132, Federalism;
2. Public Access, Documentation, and Disclosure;
3. Section 103 of the HUD Reform Act; and

B. Environmental Impact. A "Finding of No Significant Impact" (FONSI) with respect to the environment has been made for this notice in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The FONSI is available for public inspection between 8 a.m. and 5 p.m. in the Office of the General Counsel, Regulations Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500.

C. Paperwork Reduction Act Statement. The information collection

requirements contained in this document have been approved by the Office of Management and Budget (OMB), under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB Control Number 2577-0208. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 68 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Dated: June 18, 2008.

**Paula O. Blunt,**

*General Deputy Assistant Secretary for Public and Indian Housing.*

[FR Doc. E8-14445 Filed 6-25-08; 8:45 am]

**BILLING CODE 4210-67-P**



# Federal Register

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**Thursday,  
June 26, 2008**

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## **Part III**

### **The President**

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**Presidential Determination No. 2008–21 of June 20, 2008—Waiving the Prohibition on the Use of Economic Support Funds With Respect to Various Parties to the Rome Statute Establishing the International Criminal Court**

**Presidential Determination No. 2008–22 of June 20, 2008—Unexpected Urgent Refugee and Migration Needs Related to Africa, the Middle East, Asia, and the Western Hemisphere**



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**Presidential Documents**

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**Title 3—****Presidential Determination No. 2008–21 of June 20, 2008****The President****Waiving the Prohibition on the Use of Economic Support Funds With Respect to Various Parties to the Rome Statute Establishing the International Criminal Court****Memorandum for the Secretary of State**

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), as carried forward by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), I hereby:

- Determine that it is important to the national interests of the United States to waive the prohibition of aforementioned section 574(a) with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, and Tanzania; and
- Waive the prohibition of aforementioned section 574(a) with respect to these countries.

You are authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,  
*Washington, June 20, 2008.*

## Presidential Documents

Presidential Determination No. 2008-22 of June 20, 2008

### Unexpected Urgent Refugee and Migration Needs Related to Africa, the Middle East, Asia, and the Western Hemisphere

#### Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the "Act"), as amended, (22 U.S.C. 2601 and 2603), and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act in an amount not to exceed \$32.8 million from the United States Emergency Refugee and Migration Assistance Fund for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations, and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State, related to humanitarian needs in Africa, the Middle East, Asia, and the Western Hemisphere; and

(2) the functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you, and you may further assign such functions to your subordinates, consistent with applicable law.

You are authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,  
*Washington, June 20, 2008.*

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**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT JUNE 26, 2008****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon: Increased Assessment Rate; published 6-25-08

**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Amendments to Treatments for Plant Pests; published 5-27-08

Exotic Newcastle Disease; Quarantine Restrictions; published 5-27-08

**AGRICULTURE DEPARTMENT****Forest Service**

Clarifying Prohibitions for Failure to Maintain Control of Fires that Damage National Forest System Lands; published 5-27-08

**COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration**

Fisheries of the Exclusive Economic Zone Off Alaska: Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Correction; published 5-27-08

**FEDERAL COMMUNICATIONS COMMISSION**

DTV Consumer Education Initiative; published 6-26-08

**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

Standard Instrument Approach Procedures; Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; published 6-26-08

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT Forest Service**

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**ENVIRONMENTAL PROTECTION AGENCY**

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Minnesota; Interstate Transport of Pollution; comments due by 7-2-08; published 6-2-08 [FR E8-12222]

Minnesota; Maintenance Plan Update for Dakota County Lead Area; comments due by 7-3-08; published 6-3-08 [FR E8-12240]

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Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard;

comments due by 6-30-08; published 5-30-08 [FR E8-12122]

Approval and Promulgation of Implementation Plans:

Variance Determination for Particulate Matter from a Specific Source in the State of New Jersey; comments due by 6-30-08; published 5-29-08 [FR E8-11979]

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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]

Method 207 - Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources; comments due by 6-30-08; published 5-29-08 [FR E8-11882]

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Subsistence Management Regulations for Public Lands in Alaska; (2009 and 2010 and 2010-2011): Subsistence Taking of Fish and Shellfish Regulations; comments due by 6-30-08; published 4-17-08 [FR E8-07841]

**INTERIOR DEPARTMENT National Park Service**

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**LIST OF PUBLIC LAWS**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

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(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.

**S. 2420/P.L. 110-247**

Federal Food Donation Act of 2008 (June 20, 2008; 122 Stat. 2314)

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